

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Fifteenth Regular Session

OF THE

Legislative Assembly

Held at Helena, the Seat of Government of Said State,
commencing January 1, 1917, and ending
March 1, 1917

PUBLISHED BY AUTHORITY



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Certificate of Authentication

STATE OF MONTANA }
SECRETARY'S OFFICE. } ss.

I, C. T. Stewart, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Fifteenth Regular Session of the Legislative Assembly of said State, commencing January 1st, 1917, and held at Helena, the seat of government of said State, and, in addition, true and correct copies of laws initiated and passed by the people of Montana at the general election of November 7th, 1916.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State of Montana, this 10th day of April, A. D. 1917.

C. T. STEWART,
Secretary of State.

OFFICERS AND MEMBERS

OF THE

15th Legislative Assembly of the State of Montana

Governor, S. V. STEWART
 Lieutenant Governor and President of the Senate, W. W. McDOWELL
 Speaker of the House, JAS. F. O'CONNOR

STATE SENATORS

Name	Politics	County	Residence
*Annin, J. B.	Rep.	Stillwater	Columbus
Arnold, George O.	Dem.	Gallatin	Manhattan
*Brower, A. J.	Rep.	Missoula	Ronan
Burla, Gwen F.	Dem.	Big Horn	Hardin
*Burlingame, J. M.	Rep.	Cascade	Great Falls
*Clark, T. L.	Dem.	Toole	Sweet Grass
Clay, Geo. W.	Rep.	Phillips	Malta
*Dwight, Reuben	Rep.	Sanders	Perma
*Edwards, J. E.	Rep.	Rosebud	Forsyth
Ellingson, Henry	Rep.	Sweet Grass	Big Timber
Featherly, George P.	Rep.	Beaverhead	Lillon
*Fishbeck, F. G.	Rep.	Sheridan	Plentywood
*Gallwey, Harry A.	Dem.	Silver Bow	Butte
Gnose, J. B.	Rep.	Deer Lodge	Anaconda
Haley, W. S.	Rep.	Prairie	Terry
Healy, Daniel	Dem.	Park	Livingston
Heren, Rolla P.	Rep.	Custer	Miles City
*Hogan, T. S.	Dem.	Yellowstone	Billings
Hurd, W. W.	Dem.	Valley	Glasgow
Jones, William F.	Rep.	Meagher	Harlowton
*Junod, O. H.	Rep.	Madison	Sheridan
*Kane, Thos.	Rep.	Ravalli	Corvallis
*Kinney, J. C.	Rep.	Wibaux	Wibaux
*Lane, J. E.	Dem.	Fergus	Lewistown
*Larson, T. O.	Rep.	Teton	Choteau
McCone, George	Rep.	Dawson	Glendive
*Meadors, J. P.	Rep.	Richland	Riverview
Mershon, N. J.	Rep.	Granite	Phillipsburg
Morris, Claude F.	Dem.	Hill	Havre
*Muffly, C. S.	Dem.	Broadwater	Winston
*Oliver, John	Rep.	Fallon	Ekalaka
O'Shea, Daniel G.	Dem.	Carbon	Red Lodge
*Parker, M. H.	Dem.	Jefferson	Boulder
*Roberts, C. B.	Rep.	Lincoln	Fortine
Slayton, Daniel W.	Rep.	Musselshell	Lavina
Smith, Park	Rep.	Lewis & Clark	Helena
*Stevens, Geo. H.	Rep.	Chouteau	Fort Benton
Taylor, L. B.	Rep.	Blaine	Lloyd
*Whiteside, Fred	Dem.	Flathead	Kalispell
*Willett, O. G.	Rep.	Mineral	Alberton
Williams, Charles H.	Rep.	Powell	Deer Lodge

*Holdovers. Elected in 1914.

J. FRANK CONE, Secretary.

HOUSE OF REPRESENTATIVES

Name	Politics	County	Residence
Andersen, Chas.	Dem.	Fergus	Lewistown
Anderson, Oscar W.	Rep.	Fergus	Lewistown
Andrew, John T.	Dem.	Silver Bow	Butte
Arneson, Anthony H.	Rep.	Sweet Grass	Big Timber
Ashby, Jr., Shirley C.	Dem.	Lewis & Clark	Helena
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Baxter, E. C.	Rep.	Meagher	Harlowton
Belden, O. W.	Rep.	Fergus	Lewistown
Bent, Wallace A.	Dem.	Carbon	Bowler
Bernard, P. N.	Rep.	Flathead	Kalispell
Blake, Harold N.	Rep.	Deer Lodge	Anaconda
Blodgett, F. E.	Dem.	Silver Bow	Butte
Booth, George T.	Rep.	Cascade	Great Falls
Brooks, Joseph	Rep.	Park	Livingston
Buell, Henry M.	Rep.	Missoula	Missoula
Buell, Hiram S.	Rep.	Gallatin	Bozeman
Buchanan, Sr., Frank	Rep.	Yellowstone	Hesper
Burnworth, Clifton H.	Rep.	Rosebud	Forsyth
Carll, Frank	Dem.	Yellowstone	Billings

HOUSE OF REPRESENTATIVES -Continued

Name	Politics	County	Residence
Clark, S. W.	Dem.	Chouteau	Geraldine
Connolly, James J.	Dem.	Silver Bow	Butte
Cotter, Charles P.	Rep.	Broadwater	Townsend
Crismas, William J.	Dem.	Carbon	Joliet
Crowley, Tim	Dem.	Silver Bow	Butte
Davis, Clarence C.	Dem.	Teton	Conrad
Deibel, Randolph	Dem.	Custer	Miles City
Demel, C. W.	Dem.	Yellowstone	Billings
Dodds, Percy F.	Rep.	Flathead	Whitefish
Duffy, Joe H.	Dem.	Silver Bow	Butte
Eaton, Ernest T.	Rep.	Yellowstone	Billings
Ellis, Frank	Rep.	Beaverhead	Dillon
Farmer, Frank W.	Dem.	Cascade	Great Falls
Fishbaugh, L. M.	Dem.	Chouteau	Carter
*Flanigan, Jerry H.	Dem.	Silver Bow	Butte
Fuller, Newman H.	Rep.	Custer	Miles City
Gould, M. S.	Dem.	Madison	Twin Bridges
Griffin, James	Rep.	Biaine	Chinook
Grimes, Thomas W.	Dem.	Silver Bow	Butte
Gullidge, A. O.	Rep.	Prairie	Terry
Harbert, James	Rep.	Flathead	Polson
Harmon, W. E.	Rep.	Gallatin	Bozeman
Hathaway, Maggie Smith	Dem.	Ravalli	Stevensville
Hawks, James A.	Dem.	Wibaux	Wibaux
Henderson, W. C.	Rep.	Dawson	Jordan
Henry, V. R.	Rep.	Chouteau	Geraldine
Higgins, Ronald	Rep.	Missoula	Missoula
Holt, Clifford F.	Rep.	Cascade	Great Falls
Huffaker, George W.	Rep.	Lewis & Clark	Helena
Hurd, Walter L.	Dem.	Stillwater	Columbus
Husser, Arthur A.	Dem.	Hill	Hingham
Ingalls, Mrs. Emma A.	Rep.	Flathead	Kalispell
Ironside, Fred A.	Dem.	Silver Bow	Butte
Jensen, Steuard R.	Dem.	Cascade	Great Falls
Johnson, Edw. C.	Rep.	Deer Lodge	Anaconda
Johnston, W. B.	Rep.	Ravalli	Hamilton
Jones, Dudley	Rep.	Phillips	Dodson
Kehoe, Thos. M.	Dem.	Yellowstone	Billings
Kelsey, Frank T.	Rep.	Custer	Moorehead
Kemmis, Walter D.	Rep.	Richland	Sidney
Lanstrum, George W.	Rep.	Lewis & Clark	Helena
Larso, George W.	Dem.	Sanders	Plains
Lemmon, C. A.	Dem.	Deer Lodge	Anaconda
Lewis, V. E.	Rep.	Chouteau	Fort Benton
Lusk, Addison K.	Rep.	Missoula	Missoula
McClory, John S.	Rep.	Toole	Shelby
McDonald, Charles S.	Rep.	Teton	Choteau
McMahon, W. J.	Dem.	Silver Bow	Butte
McMillan, R. O.	Rep.	Sheridan	Bainville
McQuarrie, Daniel L.	Rep.	Missoula	Missoula
Mason, Dwight N.	Dem.	Missoula	Ronan
Middleton, John R.	Rep.	Rosebud	Hysham
Morris, Richard E.	Dem.	Fallon	Baker
Morrow, J. A.	Dem.	Musselshell	Rygate
Murray, Frank C.	Dem.	Cascade	Great Falls
O'Brien, John	Dem.	Silver Bow	Butte
O'Connor, Jas. F.	Dem.	Park	Livingston
Page, John R.	Dem.	Granite	Drummond
Phelps, E. T.	Rep.	Valley	Baylor
Prosser, Martin	Dem.	Lewis & Clark	Helena
Quaintance, Cary	Rep.	Jefferson	Boulder
Rainey, John	Dem.	Dawson	Lindsay
Rasmussen, C. A.	Rep.	Dawson	Glendive
Sand, A. U.	Dem.	Valley	Opheim
Scott, William J.	Rep.	Big Horn	Hardin
Searles, Chas. A.	Dem.	Mineral	Alberton
Sektnan, M.	Dem.	Valley	Glasgow
Shaw, John A.	Dem.	Powell	Deer Lodge
Spain, William Whitfield	Dem.	Gallatin	Belgrade
Stimpert, Adam	Dem.	Cascade	Great Falls
Ward, John M.	Dem.	Silver Bow	Butte
Well, Charles A.	Dem.	Lincoln	Eureka
Wheat, Gilbert G.	Dem.	Madison	Virginia City
White, B. C.	Dem.	Tergus	Buffalo
Working, Lincoln	Rep.	Lewis & Clark	Helena

*Died February 2, 1917.

C. H. TREACY, Chief Clerk.

William Cutts, Dem. of Butte, Silver Bow County, appointed by the Governor to fill the vacancy.

CONTENTS

Chap.	No. Bill.	House or Senate.	Page.
1	31	House	An Act to amend Section 6870e of the Revised Codes of Montana, enacted in Chapter 113 of the Laws of 1915, so as to avoid the necessity of taking oral testimony before securing an order for publication of summons, in an action to quiet title.....
2	22	Senate	An Act authorizing and directing the Board of Railroad Commissioners of the State of Montana, to establish and fix the rate of one cent per mile for the railway fare to be charged for transporting prisoners regularly sentenced to the State Prison in the State of Montana, and the necessary guards to insure the safekeeping of such prisoners to and from said State Prison to any point within the State of Montana, for the purpose of conveying such prisoners to such point, or from such point to be employed on public roads or other public work.....
3	36	Senate	An Act to amend Chapter Two, Title Two, Part Two, of the Code of Civil Procedure of Montana, relating to adverse possession of real estate.....
4	38	Senate	An Act to authorize the investment of the permanent funds of the State in Federal Farm Loan Bonds and to amend the first section of the initiated law passed by the people at the General election held November 1914, by adding another section thereto authorizing the State Board of Land Commissioners to make such investment.....
5	30	Senate	An Act to amend Section 9029 of the Revised Codes of Montana, 1907, relating to the time within which an indictment for crime may be found or an information or complaint filed; and providing for excepting time during which the defendant is outside the State.....
6	18	Senate	An Act to amend Section 3178 of the Revised Codes of Montana, 1907, providing for the per diem and mileage of grand and trial jurors for attendance before courts of record.....
7	4	Senate	An Act requiring an oath to be taken by persons testifying before legislative committees, and providing that false testimony given by such persons shall constitute perjury.....
8	15	Senate	An Act to amend Section 9289 of the Revised Codes of Montana, 1907, relating to evidence necessary to convict of crime of obtaining money or property by false pretense.....
9	49	House	An Act to amend Section 5177 Revised Codes of Montana, 1907, relating to defrauding the owner of an inn or hotel, owner of cafe, restaurant, apartment, rooming or boarding house, or hospital, and providing penalty for violation thereof.....
10	74	House	An Act to authorize and empower any city or town organized under the laws of Montana to receive and take by gift, donation, grant, device or bequest, any property, real, personal or mixed, or any improved or unimproved part, or playground, or any water or water right, water reservoir or water shed, or any timber land or reserve, or any fish or game reserve, in any part of the State of Montana, and to own, hold, work and improve the same; and to authorize any person, company, copartnership or corporation to make gifts, donations, grants, devices or bequests of any kind of property to any such city or town.....

CONTENTS

Chap.	No. Bill.	House or Senate.		Page.
11	68	House	An Act to amend Sections 8, 10, 22, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909: 'An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection, and disposition of the timber growing thereon and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of State lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon State lands; defining and providing for the punishment of certain offenses for violating the provisions of this Act.....	9
12	71	House	An Act to provide free text-books for the use of the pupils of the public schools, and high schools at the expense of the districts and to require the trustees and school boards of each district to purchase same and make rules governing the use of said books and to allow them sold, at cost for use of pupils when desired by parents or guardians; and to amend section 1311, Chapter 76 laws of Thirteenth Legislative Assembly	10
13	52	Senate	An Act to provide for the issue and sale of bonds, by the State Board of Examiners of the State of Montana, for refunding Capitol Building bonds of the State of Montana.....	10
14	62	House	An Act to amend Section 3246 of the Revised Codes of Montana of 1907, relating to Salary of Clerk	14
15	17	House	An Act to amend and re-enact Section 2616 of the Revised Codes of 1907 of the State of Montana, relating to the collection of taxes by the County Treasurer, and the manner of giving notice of the amount due, the amount delinquent, when delinquent, and the penalty added in case of delinquency	15
16	60	Senate	An Act to amend Chapter 14 of the laws of the Fourteenth Legislative Assembly, entitled, 'An Act providing for indeterminate sentences of persons convicted of crime, and for the parole of such persons, and prescribing the duties of officials in connection therewith'.....	16
17	67	House	An Act to regulate the giving or furnishing of bonuses or premiums, such as the giving or furnishing of stamps, coupons, tickets, certificates, cards, gifts or premiums, such as crockery, chinaware, aluminumware, tinware, or anything else that may be included with or contained in packages of any kind of merchandise, of any description, or other similar device for, or with or in connection with the sale of goods, wares or merchandise, and providing a penalty for the violation thereof.....	17
18	4	House	An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work in certain industries and providing penalties for violation thereof.....	18
19	3	Senate	An Act to amend Sections 2 and 3 of Chapter 53 Session Laws of the Thirteenth Legislative Assembly of the State of Montana, 'An Act to provide for the regulation of sale of articles by weight, measure or numerical count, within the State of Montana: creating the office of State Sealer of Weights and Measures, providing the duties and powers of such State Sealer of Weights and Measures; providing penalties for the violation of the provisions of Chapter 34 of the Laws of the Twelfth Legislative Assembly,' approved March 13, 1913.....	19
20	113	House	An Act to amend Section 6233 Code of Civil Procedure, Revised Codes of Montana, 1907, exempting from jury duty regularly licensed embalmers and undertakers	21

CONTENTS

vii

Chap.	No. Bill.	House or Senate.		Page.
21	76	House	An Act to extend and define the boundaries of Silver Bow County, and to alter the boundaries of Deer Lodge County to conform thereto	22
22	31	Senate	An Act in relation to the release of record of oil, gas, and other mineral leases; providing civil remedies in connection therewith	24
23	65	Senate	An Act to empower cities of the first, second and third class to provide band concerts for the entertainment of their people during the months of June, July, August and September of each year	25
24	27	Senate	An Act providing for the manner, time and place of issuing bills of lading and the manner, time, and place of delivery of bills of lading by railway companies, at stations where station agents are not provided; and providing a penalty for the violation thereof	26
25	41	Senate	An Act to amend Section 9006 of the 1907 Revised Codes of Montana, having to do with the removal of public officers by summary proceedings	27
26	193	House	An Act to amend Section 1564, the Revised Codes of 1907, as the same appears after amendment by Chapter 66 of the Session Laws of the Twelfth Legislative Assembly, relating to the pollution of water supply	28
27	152	House	An Act to amend Section 3342 of the Revised Codes of 1907, as amended by Chapter 103 of the Session Laws of 1911, relating to the amount of taxes to be assessed and levied by municipalities for general municipal and administrative purposes, and for the purpose of maintaining public parks	29
28	11	Senate	An Act to permit the establishment, maintenance and operation of a public market house or market space at the county seats of the counties within the State, providing for the supervision and control thereof and for the acquiring of property for the purpose of carrying out the provisions of this Act, and penalties for the violation thereof	30
29	23	House	An Act to prohibit gambling on games played upon pool and billiard tables; to punish those who participate therein as well as those who conduct or carry on such games, and to provide for early closing of all pool halls, billiard halls, bowling alleys and other places where pool or billiards is played	33
30	29	House	An Act to amend Section 1739 Revised Codes of Montana of 1907 relating to hours of labor for municipalities, mines, mills and smelters	34
31	42	House	An Act to amend Section 2056, Revised Codes of Montana 1907, relating to the furnishing of medicine or medical attendance to the sick, poor and infirm of the County, and to inmates of County Jails	34
32	135	Senate	An Act to create the Eighteenth Judicial District of the State of Montana, to be composed of the Counties of Hill and Blaine, and to provide and designate the powers, duties, term and compensation of the Judge of said Eighteenth Judicial District, and to provide that the Twelfth Judicial District of the State of Montana shall hereafter embrace the territory within the County of Chouteau	35
33	194	House	An Act to amend Section 2651 of the Revised Codes of Montana of 1907, relating to notice of application for tax deeds	36
34	174	House	An Act to amend Section 9812 of the Revised Codes of 1907, of the State of Montana, relating to aiding or abetting or concealing or harboring escapes from the Montana State Industrial School	37
35	87	House	An Act to provide for an additional Judge of the Tenth Judicial District of the State of Montana so that there will hereafter be two Judges in said District	38
36	123	House	An Act establishing and defining the boundary line between Dawson County and Rosebud County, State of Montana	38

Chap.	No. Bill.	House or Senate.	Page.
37	19	Senate	An Act providing for service of process and notices upon domestic and foreign corporations, and to repeal Chapter 22 of the Laws of 1915..... 39
38	8	Senate	An Act to amend Section 10 of Chapter 122 of the Session Laws of the Fourteenth Legislative Assembly, relating to the registration of electors 41
39	95	Senate	An Act to amend Section 8492 of the Revised Codes of Montana, 1907, relative to the sale of carcasses of animals affected with an infectious or contagious disease..... 42
40	82	House	An Act to amend Section 7731 of the Revised Codes of 1907, of the State of Montana, relating to the payment of inheritance tax to County Treasurers and Receipts..... 42
41	127	Senate	An Act to authorize and empower cities and towns to construct, maintain, establish and operate, within their limits, swimming pools, skating rinks and play grounds, to defray the cost and expenses thereof from their park funds, and to provide necessary rules and regulations for the establishment, maintenance and use thereof..... 44
42	63	Senate	An Act to amend Section 1600 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, providing for the method of selecting, purchasing, exchanging, or selling of school house sites in school districts of the third class and relating to school house sites in general..... 45
43	32	Senate	An Act regulating the casing of oil and gas wells, and the mode of plugging the same when abandoned..... 46
44	7	Senate	An Act dividing the State into two Congressional districts and amending Section 47, Montana Revised Codes, 1907..... 47
45	29	Senate	An Act relating to liens for labor and materials furnished to owners of lease-holds for oil and gas purposes and for materials and labor for the construction of oil and gas pipe-lines..... 48
46	73	Senate	An Act to provide for the appointment of a custodian for the State Capitol, fixing his term of office; defining his duties, powers and authority; and to repeal Section 157, Article 5, Chapter 3 of the Political Code of the State of Montana 49
47	114	Senate	An Act to amend Sections 6449 and 6450 of the Revised Codes of the State of Montana of 1907, relating to the time of commencing actions other than for the recovery of real estate..... 51
48	104	Senate	An Act to prohibit any person from knowingly buying, selling, receiving, disposing of or concealing, or having in his possession, any automobile, motor car or motor vehicle from which the manufacturer's serial number, or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, for the purposes of concealment or misrepresenting the identity of such automobile, motor car or motor vehicle, and providing punishment for the violation of the provisions hereof 52
49	153	House	An Act authorizing cities and towns to regulate motor vehicles and to prescribe penalties for violation of such regulations..... 53
50	88	Senate	An Act to repeal Section 9 of Chapter 73 of the laws of the Thirteenth Legislative Assembly, concerning the regulation of motor vehicles by local authorities 54
51	132	Senate	An Act to consolidate the Board of Stock Commissioners and the Board of Sheep Commissioners, and to create a Board to be known as the Live Stock Commission, and to provide for the appointment and qualification of its members and prescribing their duties, and creating a fund to be known as the Live Stock Commission Fund, and to repeal Sections 1782, 1783, 1784, 1785, 1786, 1787, 1789, and 1789 of the Revised Codes of Montana of 1907, relating to the Board of Stock Commissioners and Section 1854, 1855, 1856, 1857, 1858, 1859, 1860 and 1861 of the Revised Codes of Montana of 1907, relating to the appointment and duties of the Board of Sheep Commissioners 54

CONTENTS

ix

Chap.	No. Bill.	House or Senate.	Page.
52	33	Senate	An Act to require railroad or railway companies to clean and cooper box cars placed for loading grain or other commodities subject to loss by leakage, and providing a penalty for non-compliance with the provisions of this Act..... 57
53	83	Senate	An Act to provide for the preservatons, collections and publications of historical facts of the early settlement of the State of Montana..... 58
54	106	Senate	An Act to change the name of the Montana Grain Laboratory, to enlarge the duties of the laboratory and of the director thereof and to make an appropriation for the maintenance of the added duties of the laboratory, and providing for licensing of grain dealers and public warehousemen 60
55	58	Senate	An Act to create the County of Wheatland, designate its boundaries, and provide for its organization and government, and to change the boundaries of Meagher and Sweet Grass Counties to conform thereto..... 63
56	76	Senate	An Act to create the County of Carter, designate its boundaries, provide for its organization and government and to change the boundaries of Fallon County to conform thereto..... 71
57	175	House	An Act to amend Section 9810 of the Revised Codes of 1907 of the State of Montana, relating to release, parole or pardon of the inmates of the Montana State Industrial School..... 76
58	138	House	An Act to appropriate money for the maintenance, improvement and operation of the Fish Hatcheries of the State of Montana and for the expense of the Montana Fish Commission, and purchase of equipment..... 77
59	139	Senate	An Act to amend Section 1904 of the Revised Codes of Montana of 1907 as the same appears after amendment by the provisions of Chapter 50 of the Laws of the Twelfth Legislative Assembly, relative to bounty on predatory animals 79
60	102	Senate	An Act authorizing the State Board of Prison Commissioners to adopt rules and regulations allowing additional good time in addition to that provided by statute for good conduct to convicts employed on public roads or other public works, and providing a penalty for the violation of such rules..... 79
61	64	Senate	An Act to amend Section 508 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to the purchasing of school sites and the building and removal of school houses..... 80
62	56	Senate	An Act regulating the running at large of bulls on public ranges or national forest reserves in the State of Montana, and providing penalties.... 83
63	5	House	An Act relating to bridges within any city or town upon a highway crossing a natural stream separating one part from another part of any county in which such city or town is situated and providing for the construction and maintenance of such bridges and their approaches.... 84
64	58	House	An Act to amend Section XXIV and XXV of Chapter 147 of the Laws of the Eleventh Legislative Assembly, 1909, entitled: 'An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection, and disposition of the timber growing thereon and the coal, oil, and minerals therein; providing for the management and control of the funds realized from the sale and rental of State lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon State lands; defining and providing for the punishment of certain offenses for violating the provisions of this Act'..... 86

Chap.	No. Bill.	House or Senate.	Page.
65	128	House	An Act to prohibit livestock from running at large in any city and in any incorporated town and providing a penalty for the violation hereof
66	72	House	An Act to prohibit the malicious driving, placing or imbedding of spikes, nails or other metallic substances, stone or rock, in saw logs intended for manufacture into lumber or other timber products, and prescribing the penalty therefor
67	38	House	An Act to require railway companies or corporations to report delayed trains, prescribing the method thereof and providing penalties; repealing Sections 4345, 4346, 4347 and 4348 of the Revised Codes of the State of Montana, and Chapter 105, Session Laws of the Eleventh Legislative Assembly, entitled: 'An Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph or telephone stations to report delayed trains, prescribing the method thereof and providing Penalties.'
68	92	Senate	An Act to amend Section 3032 of the Montana Revised Codes of 1907, enumerating the instruments to be recorded by the County Clerk and Recorder, and the manner of recording the same.
69	179	Senate	An Act to amend Section 403 of Chapter 76 of the laws of the Thirteenth Legislative Assembly of the State of Montana, relating to the creation of school districts.
70	449	House	An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work in certain industries and providing penalties for violation thereof.
71	164	House	An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing a penalty for violations of this Act, and to repeal Section 2897 of the Revised Codes of the State of Montana for 1907.
72	180	House	An Act to amend Section 1808 of the Revised Codes of Montana, 1907, and Section 1 of Chapter 131 of the Session Laws of the Fourteenth Legislative Assembly, relating to the inspection of livestock when moved from one county to another within the State.
73	144	House	An Act to create a tax and license Commission and prescribing its powers and duties.
74	155	House	An Act to create herd districts and prevent livestock running at large in established herd districts and to provide for the fixing and collection of damages from stock trespassing within the boundaries of such districts and repealing all acts and parts of acts in conflict herewith.
75	381	House	An Act to provide for the registration and identification of motor vehicles and operators thereof, and providing for the regulation of all vehicles operating upon the public highways of the State and providing penalties for the violation of the provisions of this Act, and providing for the disposition of all funds collected thereunder, and repealing the provisions of Chapter 71 and 73 and of the Laws of the Thirteenth Legislative Assembly, and Chapter 65 of the Laws of the Fourteenth Legislative Assembly.
76	138	Senate	An Act to amend Section 2973, Revised Codes of Montana, 1907, as amended by Chapter 70 of the Laws of the Fourteenth Legislative Assembly, relating to the classification of counties.
77	89	House	An Act to provide ways and means of compelling support of a wife, child or children, ward or wards, by the husband, parent or guardian, and providing penalties for failure to so provide, and repealing Section 8345 of the Revised Codes of Montana of 1907.
78	143	House	An Act to amend Section 8346, Revised Codes of 1907, concerning the desertion or abandonment of children and prescribing penalties.

CONTENTS

xi

Chap.	No. Bill.	House or Senate.		Page.
79	345	House	An Act to license certain corporations for the exclusive use and benefit of the State of Montana, fixing the license fee for engaging in business and providing a method of collecting such license fee, and repealing Section 2773 of the Revised Codes of the State of Montana of 1907 as amended by the Act approved March 1, 1911, entitled 'An Act to amend Section 2773 of the Revised Codes of the State of Montana of 1907 and Sections 2773 and 2777 of the Revised Codes of Montana of 1907'.....	120
80	239	House	An Act prohibiting unfair competition or discrimination in the buying, selling, production, manufacturing or distribution of any commodity or product in general use and providing a penalty for the infraction of the provisions thereof, and providing that complaint may be made to the Attorney General of any violation of this Act by any corporation and requiring the Attorney General to forthwith investigate such complaint and to prosecute such corporation if the facts ascertained by him warrant such prosecution and providing for the annulment by the Court of the Charter of any corporation found guilty of unfair competition or discrimination....	129
81	230	House	An Act to change the dates upon which the school year shall begin and end, and the dates upon which certain public school reports shall be rendered, amending Sections 302, 508, 512, 607, 803, 2010, of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, and to amend Sub-division 1 of Section 502 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to election of trustees.....	131
82	351	House	An Act providing a method for the assessment and collection of a license fee on private car companies doing business in this State.....	134
83	400	House	An Act relating to a Mother's Pension and for the care of dependent children in their own home by their mother, the father of said children being dead or an inmate of some Montana State Institution or who has failed to provide for said children for a period of one year or more, or who is physically unable to support such children; providing a penalty for the violation thereof and repealing Sections 1, 2, 3, 4, 5, 6, and 7 of Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly.....	137
84	35	Senate	An Act relating to the powers and duties of Justices of the peace, and fixing their compensation.....	139
85	176	Senate	An Act relating to the payment of salaries of justices of the Supreme Court and Judges of the District Courts.....	141
86	176	House	An Act amending Section 8416 of the Revised Codes of Montana of 1907, prohibiting gambling games and providing a penalty for the violation thereof.....	142
87	349	House	An Act providing a method for the assessment and collection of a license fee on express companies doing business in this State.....	143
88	86	House	An Act to amend Section 3169 of the Revised Codes of Montana of 1907, relating to the fees of the Clerk of the District Court.....	146
89	195	Senate	An Act to amend Section 3894 of the Revised Codes of Montana of 1907, relating to the decrease or increase of the capital stock of corporations, the creation or increase of the bonded indebtedness of corporations, or the extensions or changes in the business of corporations, and the manner whereby such changes may be accomplished.....	148
90	264	House	An Act concerning the examination and admission of attorneys and counsellors at law to practice law in this State, and concerning the trial and conduct of proceedings in actions for the suspension, or the disbarment from practice of such attorneys and counsellors; providing an annual license tax to be paid by all practicing attorneys and counsellors in this State, and methods of collecting the same, and pen-	

Chap.	No. Bill.	House or Senate.		Page.
			alties for violation of any provisions of this Act providing for the disposition and expenditure of all moneys collected under the provisions of this Act.....	149
91	132	House	An Act to regulate the hours of continuous employment of firemen in cities of the first and second class.....	155
92	17	Senate	An Act to combine the offices of State Inspector of Boilers, Inspectors of Steamboats, State Inspector of Mines and State Coal Mine Inspector, and placing all of said officers under the supervision of the Industrial Accident Board; fixing the salaries thereof and defining their duties and powers; and amending Section 55 A and Section 55 B Chapter 96 Laws of the Fourteenth Legislative Assembly, being an Act known as the Workmen's Compensation Act, and repealing all acts in conflict herewith.....	155
93	161	House	An Act providing for the levy of school district taxes in excess of ten mills, when authorized by a vote of the qualified electors of such district, who are tax-paying free-holders therein.....	157
94	225	House	An Act to amend Sections 1803 and 1805 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to contracts for supplying basal and supplementary text books.....	159
95	211	House	An Act declaring all buildings and places nuisances, wherein or upon which acts or lewdness, assignation or prostitution are held or occur, or which are used for such purposes, or wherein or upon which any gambling is conducted or carried on, contrary to any of the laws of the State of Montana, or wherein any wine rooms are maintained, contrary to Sections 8376, 8377, 8384, 8385 and 8386 of the Revised Codes of Montana of 1907 or to any of the laws of the State of Montana, and providing for the abatement and prevention of such nuisance, by injunction and otherwise.....	161
96	296	House	An Act providing for the extermination of gophers, and prescribing the manner in which the expenses of exterminating the same shall be paid.....	165
97	101	Senate	An Act regulating the forwarding of negotiable instruments for collection.....	168
98	409	House	An Act construing, interpreting, and settling ambiguities or doubt arising from the provisions of Section 4014 Revised Codes of Montana, 1907, relating to the amount of the capital stock of insurance corporations other than life insurance corporations; and Section 4050, Revised Codes of Montana, 1907, as amended by Chapter 48 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, and Chapter 114 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, relating to the classification of insurance corporations, granting certain powers thereunder and providing certain restrictions and exceptions in connection therewith; and Section 4062, Revised Codes of Montana of 1907, as amended by Chapter 37 of the Session Laws of the Thirteenth Legislative Assembly, relating to the manner in which insurance companies, associations, or partnerships may transact business in the State of Montana, and relating to the capitalization of such insurance companies, both foreign and domestic, and providing for the payment of a license fee by insurance corporations other than fire and life insurance companies.....	168
99	66	Senate	An Act to amend Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, providing for a land office expense fund, and the disposition of the same.....	171
100	327	House	An Act to amend Section 2763 of the Revised Codes of the State of Montana relating to licenses.....	172

CONTENTS

xiii

Chap.	No. Bill.	House or Senate.	Page.
101	188	Senate	An Act amending Section 459 of the Revised Codes of Montana, 1907, fixing the compensation of boards of election..... 172
102	164	Senate	An Act to accept the terms and provisions of the Federal Act giving aid to the several states for vocational education, and to authorize the State Board of Education to establish vocational education in the public elementary schools and public high schools of the State; to provide for the training of teachers of vocational subjects, designating the State Treasurer as custodian for vocational education with authority to accept and disburse money received from the Federal Government for such vocational education, and the training of teachers and appropriating money to meet appropriations made by the Federal Government for such purposes..... 173
103	250	House	An Act requiring the publication in official county papers of the lists of adulterated and misbranded foods, beverages, candies, drugs and other preparations and products as reported by the State Board of Health..... 174
104	245	House	An Act providing how many times per week orders, rules, summons and notices of all kinds shall be published when not otherwise prescribed..... 175
105	247	House	An Act to provide for a High School tax and to provide for High School instruction in all counties not having County High Schools..... 176
106	396	House	An Act to amend Section 12 of Chapter III of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, known as the General Highway Law relating to the classification and permanent improvement of public highways..... 177
107	269	House	An Act to amend Section 435 of the Revised Codes of the State of Montana, of 1907, relating to payment of salaries of officers..... 177
108	279	House	An Act establishing and defining the boundary line between Musselshell County and Rosebud County, State of Montana..... 177
109	395	House	An Act to establish a Game Preserve in South Moccasin Mountains, Fergus County, Montana, for the protection of Game Animals and Game Birds, and providing penalties for the pursuing, hunting, or killing of such animals or birds in such preserve..... 178
110	6	Senate	An Act to amend Sections 302 and 303 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, 1913; and Section 3195, Revised Codes, 1907, relating to County Superintendents, their duties, and their expenses..... 180
111	441	House	An Act to provide for the support of the Government of the State of Montana for the years of 1917 and 1918..... 181
112	50	Senate	An Act to cede jurisdiction to the United States over that part of the Yellowstone National Park in the State of Montana, and for other purposes..... 182
113	147	Senate	An Act providing that the name of any County within this State may be changed, and providing a method whereby such change may be accomplished..... 183
114	189	Senate	An Act to provide normal training courses and junior college courses in high schools; providing that such high schools shall be free to all children of the respective counties, fixing requirements upon which teachers' certificates may be issued after July first, 1920, and providing that certain expenditures for such purposes shall first be submitted to a vote of the qualified electors..... 183
115	217	House	An Act to amend Section 79 of the Revised Codes of 1907 as amended by Chapter 1 of the Session Laws of the Fourteenth Legislative Assembly relating to the compensation of certain officers and employes of the Legislative Assembly..... 189
116	118	Senate	An Act to authorize the Attorney General to designate an assistant Attorney General who shall have authority to do and perform certain matters and things required or which may be

Chap.	No. Bill.	House or Senate.		Page.
117	167	House	done by the Attorney General..... An Act for the purpose of commemorating the Exploration of the Lewis and Clark Expedition and to aid in the erection of heroic bronze statues of Merriwether Lewis and William Clark at the Great Falls and at the Three Forks of the Missouri River, providing for creation of the Lewis and Clark Memorial Commission and making appropriation therefor.....	190
118	256	House	An Act to regulate the sale and distribution of tuberculin	191
119	137	House	An Act to amend Sections 3465, 3466, 3471, 3472 and 3478 of the Revised Codes of 1907 of Montana, relating to the laying out, surveying, platting and recording of any city or town, or any addition to any city or town, or any townsite, or any tract of land outside of the limits of any city or town sold in small tracts or acreage tracts less than the United States legal subdivision, requiring sales to be made by reference to such plats and the numbers of such lots and blocks; to facilitate the transfer or taxation of such property; and to prevent boundary disputes; providing for public parks within such platted and surveyed area; to promote and preserve the public welfare by prohibiting certain things hurtful to the comfort, safety and welfare of society by establishing such rules and regulations for the use, sale and management of property, as may be conducive to public interest; and providing penalties for the violation of such provisions	192
120	97	House	An Act to amend Section 4076 of the Revised Codes of the State of Montana of 1907 relating to the incorporation of mutual hail insurance of growing crops against loss or damage by hail and farm improvements by fire.....	193
121	223	House	An Act to create a Child Welfare Division to be under the direct supervision of the State Board of Health prescribing its duties and powers and providing for its maintenance.....	197
122	10	Senate	An Act to amend Section 11 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly relative to the establishment of a Board of Examiners for nurses and providing for the issuance of a license or certificate of registration to persons engaged in the profession of nursing the sick.....	198
123	215	House	An Act to equalize the opportunity for higher education to the youth of the State by authorizing the payment of traveling fare of students attending the institutions of the University of Montana, and making an appropriation therefor	199
124	91	Senate	An Act providing for the safe investment of the State Permanent School Funds, and all other permanent State educational, charitable and penal institution funds in the securities herein designated; for the prompt collection of interest thereon; providing a method of procedure in making said investments to guard and protect such funds; and prescribing the duties and obligations of the various officers of the State in making said investments, and repealing all laws and parts of laws in conflict herewith.....	200
125	87	Senate	An Act to repeal Section 8836 of the Revised Codes of Montana of 1907 and designating the duties of owners of stallions.....	201
126	233	House	An Act giving to the State Board of Health power to require the analysis of waters furnished and sold to the Public, and to provide rules and regulations for said analysis, and for the collection of samples of water, and to provide funds to cover the cost involved and to prescribe penalties for the violation of said rules and regulations	206
127	240	House	An Act to amend Paragraph 601 Chapter 6, of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, by adding the study of Elementary Agriculture to the course of study prescribed for elementary schools	207
				208

CONTENTS

xv

Chap.	No. Bill.	House or Senate.	Page.
128	98	House	An Act to amend Sections 1611, 1613 and 1618 of the Revised Statutes of the State of Montana, relating to the regulation of the practice of optometry, and to prevent ignorant, unprofessional or incompetent persons from practicing same 209
129	51	Senate	An Act relating to and regulating the manufacturing, keeping, storage, transportation and sale of explosives, and providing penalties for any violation of the provisions thereof..... 211
130	348	House	An Act making all places where intoxicating liquors are manufactured, sold or given away in violation of the law, common nuisances, providing for the punishment for the maintaining of the same, and providing for the abatement thereof, and providing for the seizure and destruction of such intoxicating liquors and fixtures..... 220
131	171	House	An Act to amend Sections 2927, 2928, 2930, 2931 and 2932 of the Revised Codes of Montana, 1907, and Section 2929 of the Revised Codes of Montana, 1907, as amended by Section 3 of Chapter 30 of the laws of the Twelfth Legislative Assembly of the State of Montana, relating to County Fairs in counties of the State appointing a Fair Commission by the County Commissioners, defining the duties and compensation of such Fair Commissioners, providing for a tax, the appropriating of money for the purchase, holding and improving of lands for the maintenance of a County Fair, providing for the disbursement of such moneys, to provide for County exhibits at the State Fair and making the County Treasurer Ex-Officio the Treasurer of such County Fair Associations; repealing Sections 1 and 2 of Chapter 30 of the Twelfth Session Laws of Montana, and repealing Chapter 124 of the laws of the Thirteenth Legislative Assembly of the State of Montana..... 222
132	159	Senate	An Act to amend Section 4535 of the Revised Codes of Montana of 1907, relating to monuments and fences and the duty of co-terminous owners with reference to maintaining of the same..... 225
133	155	Senate	An Act providing for the appointment of an expert to make a general survey to determine the condition of the feeble-minded, deaf, dumb and blind children in Montana, and making an appropriation to carry out the provisions of this Act 225
134	171	Senate	An Act to amend Section 637 of the Revised Codes of the State of Montana of 1907 as amended by Section 1 of Chapter 126 of the Session Laws of 1915 relating to the election and appointment of United States Senators in Congress 226
135	153	Senate	An Act to provide for the construction of commercial or industrial spurs from railroads, and to give the Board of Railroad Commissioners of the State of Montana power and authority with reference thereto 227
136	45	Senate	An Act to amend Section 50 of Chapter 89 of the Laws of 1915 entitled, "An Act regulating the business of banking, providing for the creation and regulation of banking corporations, creating the Department of Banking and prescribing the duties and fixing the salaries of its officers and employees, and repealing Title 11, Part LV of Division 1 of the Civil Code of Montana, entitled, 'Banks and Banking Corporations,' being the provisions of Sections 2909 to 4015, both numbers inclusive, Revised Codes of Montana, 1907, and all Acts amendatory thereof," relative to the designation of Reserve Banks 227
137	102	House	An Act to amend Sections 1, 3, 4, and 5 and to repeal Sections 12, Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, relating to County libraries 229

CHAP.	No. Bill.	House or Senate.	Page.
138	160	Senate	An Act to provide for the validation of certain instruments and records which have heretofore been filed, recorded or made in the State of Montana 231
139	78	Senate	An Act to fix, define and determine the boundaries of Prairie County, Montana..... 232
140	99	Senate	An Act to permit co-operative associations organized under the laws of the State of Montana, to consolidate their interests and capital stock, and designating the procedure to be followed to effect such consolidations..... 235
141	98	Senate	An Act permitting assessments by water users associations which have contracts with the United States Government under the reclamation act, in lieu of previous assessments..... 237
142	18	House	An Act to submit to the qualified electors of the State of Montana an amendment to Section 2 of Article 12 of the Constitution of the State of Montana providing that evidences of debt may be exempt from taxation..... 238
143	75	Senate	An Act relating to intoxicating liquor, prohibiting the soliciting and taking of orders therefor, the advertisement thereof, declaring certain places to be nuisances and providing for their abatement, regulating the transportation thereof, and providing for the search and seizure and destruction thereof, prescribing the powers and duties of certain officers, providing for the removal of certain officers for failure, neglect or refusal to perform their duties, prescribing the forms of procedure and the rules of evidence in actions and proceedings under the laws relating to intoxicating liquors and fixing the penalties for violations hereof..... 239
144	161	Senate	An Act providing for the punishment of persons guilty of disturbance of the peace upon any railway train or car in the State of Montana, providing penalties for the violation thereof, and conferring police powers upon railway conductors in connection with the purpose of this Act..... 254
145	28	Senate	An Act to provide for the organization of special road districts in the several counties of the State, to provide for the election and appointment of directors, and other officers for special road districts, prescribing their duties and regulating the government thereof, and to provide for the levy of taxes in special road districts and the disbursements of the special road district fund.... 255
146	116	Senate	An Act to permit an application for a State farm loan being made and considered and a certificate being furnished pending the final breaking, clearing or improvement of the land upon which the loan is sought..... 264
147	48	Senate	An Act to amend Sections 24, 25, 26, 27, 28, 30, 31, 33, 34, 39, 40, 42, 45, and to re-enact Sections 23, 29, 32, 35, 36, 37, 38, 41, 43, 44 and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 46 of Chapter 93 and to repeal Chapter 71, of the Laws, Resolutions, and Memorials of the State of Montana passed by the Fourteenth Legislative Assembly, and to add a new Section providing for the continuation of all bonds, licenses, and receipts given, or issued pursuant to the provisions of said Chapter..... 265
148	169	Senate	An Act to amend Sections Nine (9), Eleven (11), and Fifty-one (51), of Chapter Eighty-nine (89), Acts of the Fourteenth Legislative Assembly of the State of Montana, being an Act entitled, "An Act regulating the business of banking; providing for the creation and regulation of banking corporations; creating the Department of Banking and prescribing the duties and fixing the salaries of its officers and employees and repealing Title Two (2), Part Four (4), of Division One (1), of the Civil Codes of Montana, entitled 'Banks and Banking' being the provisions of Sections 2909 to 4015 both numbers inclusive, Revised Codes of Montana, 1907, and all Acts amendatory thereof" and to add six new sections

CONTENTS

xvii

Chap.	No. Bill.	House or Senate.	Page.
			thereto to be numbered 16A, 16B, 16C, 16D, 16E and 16F, all relating to the business of banking and the Department of Banking.....
149	178	Senate	273
			An Act relating to the liabilities, restrictions and duties of foreign corporations licensed to do business in the State of Montana.....
150	16	House	277
			An Act authorizing the State of Montana to become indebted in the sum of Two Hundred and Fifty Thousand (\$250,000) Dollars in excess of the constitutional limit and over and above any bonded indebtedness heretofore incurred and for which it is now obligated; providing for the issuance and sale of bonds in the name of the State to acquire funds for the purchasing or building of a terminal grain elevator with necessary equipment at Great Falls, Montana, to be owned, controlled, and operated by the State and used for the storage and marketing of grain purchased in Montana; prescribing the form of such bonds; providing for the levying of a tax to pay the principal thereof and the interest accruing thereon; providing for the submission to the qualified electors at the next general election the question of the issuance of such bonds and prescribing the form of the ballots to be used and the duties of the State Board of Examiners relative to the issuance of such bonds and the duties of the Secretary of State relative to the submission of said question to the qualified electors
151	183	House	278
			An Act authorizing the assignment by County Treasurers of duplicate certificates of tax sale issued to Counties on sales of property for taxes
152	135	House	281
			An Act providing for the Commission-Manager plan of Government for cities and towns, providing for the election of officers therein, defining their duties and powers and providing for their compensation
153	108	Senate	283
			An Act to amend and re-enact Sections 1, 4, 11, 30, 35, and 43 of Chapter 146 of the Montana Session Laws, 1909; and Sections 2 and 11 of Chapter 115 of the Montana Session Laws, 1915, relating to the creation, organization, government, and change in the area of irrigation districts
154	71	Senate	323
			An Act to regulate the storage of goods in warehouses, and fixing penalties for the violation of this Act.....
155	118	Senate	337
			An Act to provide a method of voting at general, special and primary elections, including general and special and primary municipal elections, by electors absent, or expecting to be absent, on the day of any such election from the County in which they are electors, and making regulations regarding such voting, and to repeal Chapter 110 of the Session Laws of 1915 known as the Absent Voters Law, and providing penalties for the violations of the provisions of this Act.....
156	193	Senate	352
			An Act relating to special improvements in districts in thickly populated localities outside of the limits of incorporated towns and cities, and to empower the Board of County Commissioners to create special improvement districts in such localities for the purpose of constructing sanitary and storm sewers and installing lights, water works plants and such other special improvements as may be petitioned for by sixty per cent of the freeholders affected by the same, and providing for the levy and collection of special assessments to pay for the same and to extend the payment of installments over any period not exceeding eight years, and to provide for the issuance of special improvement warrants or bonds in such special improvement district
157	133	Senate	361
			An Act to provide for the appointment of the members of the Live Stock Sanitary Board and prescribing their powers and duties; to provide for the appointment of Deputy State Veterinary

Chap.	No.	House or Bill. Senate.	Page.
			Surgeons, inspectors, specialists, and other agents of the Board, and prescribing their powers and duties; to provide regulations and methods for the eradication or prevention of disease in domestic animals, their quarantine, inspection and treatment; to provide for the destruction of animals diseased or exposed to disease, together with the destruction of other property and compensation therefor, to regulate public buck herds; to provide for tuberculin testing of dairy cattle, and other regulations for the protection of domestic animals and live stock; to prescribe penalties for the violation of this Act and to repeal Sections 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, and 1903 of the Revised Codes of Montana, 1907; Chapter 146 of the Session Laws of 1911, Chapter 68, 90 and 123 of the Session Laws of 1913, and Chapters 9 and 140 of the Session Laws of 1915.....
158	130	House	377
			An Act to provide for the licensing of Architects and regulating the practice of Architects as a profession in the State of Montana.....
159	265	House	400
			An Act to alter boundaries between Rosebud County on one side and Yellowstone on the other side and to fix and establish as far as possible said boundary lines on Section lines; and to provide that each of said counties shall transcribe and certify the records thereof.....
160	184	House	404
			An Act to regulate and govern the sanitary conditions under which wall paper, or substitute wall covering shall be placed on the walls of rooms in tenement houses, or other houses owned or maintained for rent, and to make a violation of any of the provisions of this Act a misdemeanor.....
161	222	House	405
			An Act to regulate the use of the term 'Co-operative,' 'Co-operation,' 'Co-operator' or 'Farmer' when used as part of a corporated business name or title.....
162	270	House	406
			An Act to amend Section Two of Chapter 25, of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, entitled, 'An Act to secure for threshermen a lien upon grain and other crops threshed by them for their compensation, and to provide for the filing and foreclosing of said liens.....
163	284	House	407
			An Act to amend Section XXIX of Chapter 147 of the Laws, Resolutions and Memorials of the State of Montana passed at the Eleventh Regular Legislative Session, concerning the platting and disposition of State Lands situated in or adjacent to cities and towns.....
164	276	House	408
			An Act to amend Section 23a of Chapter 140 of the Laws enacted by the Twelfth Legislative Assembly of the State of Montana, and to add a new Section to said Chapter 140 to be numbered 'Section 23b,' concerning the valuation of benefit certificates of fraternal benefit societies in force upon a basis designated 'Accumulation Basis,' prescribing the method of arriving at such valuation, and the financial condition which such societies shall maintain, and conferring certain powers upon and prescribing certain duties to be performed by the State Commissioner of Insurance.....
165	150	House	410
			An Act to regulate the manner of sales of real estate under a power of sale in mortgages, providing for redemption therefrom and providing a method for the ascertainment of attorney fees when property is sold under mortgage by virtue of a power of sale therein contained; and to repeal all Acts and parts of Acts in conflict herewith.....
166	339	House	413
			An Act providing that every liquor dealer's license shall expire on December 31, 1918, and

CONTENTS

xix

Chap.	No. Bill.	House or Senate.	Page.
			making it the duty of every County Treasurer, County Clerk, City or Town Mayor, City or Town Clerk and every City and Town Treasurer to issue such license to expire on December 31, 1918, to collect proportionally the license tax and to make reports and keep books of accounts accordingly 411
167	111	Senate	An Act to amend Section 2109 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to the submission to electors of question of bond issue for County High Schools..... 415
168	130	Senate	An Act to amend Sections 2139 and 2140 of the Revised Codes of the State of Montana relating to dams and reservoirs..... 417
169	16	Senate	An Act to create a State Board of Hail Insurance; defining the duties and powers of said Board, and of public officers in connection therewith; providing for the levy and collection of taxes on all lands subject to injury or destruction by hail of all taxpayers who may elect to become subject to the provisions of this Act; providing for a Hail Insurance fund; providing for the appointment of appraisers, the appraisal and adjustment of losses, and the settlement thereof; and repealing all Acts which may in any way conflict with this Act..... 419
170	167	Senate	An Act to establish a State Highway Commission, defining its powers and duties and providing for a State Highway Commission Fund, and appropriating money therefor; providing for obtaining the benefits of Federal aid under the Act of Congress approved July 11, 1916, and repealing Chapter 78 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana..... 421
171	199	House	An Act relating to the construction, operation, use and maintenance of all electrical construction, appliances and apparatus, providing a penalty for the violation thereof, and prescribing certain duties for the State Industrial Accident Board, and Public Service Commission of Montana 429
172	170	Senate	An Act to amend Chapters I, II, III and IV of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, the same being known as the General Highway Law relating to the classification and permanent improvement of public highways, and to add a chapter thereto to be known as Chapter XII providing for special improvements on roads and highways in certain districts 439
173	142	Senate	An Act to establish and create a general fish and game law for the State of Montana; to codify and arrange all of said laws now in force relating to fish and game which are not repealed or amended hereby and re-enacting such laws as are not in conflict herewith, to amend an act approved March 9th, 1909, relating to hunting and fishing licenses; and repealing Chapter 81, of the Laws of 1909, relating to the killing of certain animals; to amend an act approved February 25th, 1915, relating to licenses and the time for the expiration thereof, and also to amend an act approved March 13th, 1913, relating to game fish, known as Chapter 79 of the Laws of 1913; to amend an act approved March 15th, 1913, authorizing the sale of game and game birds, known as Chapter 100, of the Laws of 1913; and also to amend an act approved March 3rd, 1915, concerning fish nets, known as Chapter 60 of the Laws of 1915; to amend an Act approved March 5th, 1915, known as Chapter 76 of the Laws of 1915, relating to elk, Rocky Mountain sheep and goats; to amend an Act approved March 8th, 1915, and known as Chapter 107 of the Laws of 1915, relating to fish and game; to amend a law approved March 8th, 1915, known as Chapter 98, of the Laws of 1915, relating to a

Chap.	No.	House or Bill. Senate.		Page
			closed season for all game; to amend a law approved March 8th, 1915, known as Chapter 109 of the Laws of 1915, relating to the use of explosives or poisons for the purpose of catching fish; to amend an Act approved March 8th, 1915, known as Chapter 138 of the Laws of 1915, relating to the payment of costs in the prosecution of criminal cases under the game and fish laws; and also for the purpose of amending and re-enacting so much of the game and fish laws found in the Revised Codes of Montana, 1907, as may be found in Sections 8786 and 8789 inclusive; to enact a law relating to the trapping of beaver; relating to the appointment of Deputy Game Wardens under civil service rules, relating to the installation of fish wheels in ditches at the expense of the State, relating to the killing and trapping of bear, and to provide a closed season therefor, to establish a closed season on grouse, prairie chicken, sage hens, fool hens, pheasants or partridges. To establish and provide for the management of fish and game preserves in the State of Montana.....	466
174			An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section 15, Article XII of the Constitution of the State of Montana, creating a County Board of Equalization and a State Board of Equalization and prescribing the powers, authority and duties of such respective Board.....	502
175			An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling, or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana, providing penalties for the violation thereof, and providing for a referendum of said Act and providing the time when said Act shall take effect.....	503
176	143	Senate	An Act to appropriate money to establish and maintain normal training courses in high schools; to provide for the apportionment of said money and to authorize the issuance of teachers' certificates to graduates of such normal training courses in high schools.....	505

APPROPRIATION BILLS

H. B.	1	An Act to appropriate money for the payment of mileage and per diem of the members of the Fifteenth Legislative Assembly of the State of Montana.....	507
H. B.	2	An Act to appropriate money for the payment of the officers and attaches of the Fifteenth Legislative Assembly of the State of Montana.....	507
H. B.	3	An Act making an appropriation of money for the incidental expenses of the Fifteenth Legislative Assembly of the State of Montana.....	507
H. B.	195	An Act to provide for the construction of a Fish Hatchery for the propagation of food fish and other fish in Park County, Montana, and to appropriate money therefor.....	508
H. B.	244	An Act appropriating the sum of Five Hundred and Seven Dollars and Thirty-three Cents (\$507.33) to return to certain retail liquor dealers in Richland County for unexpired portion of liquor licenses.....	508
H. B.	315	An Act providing for the payment of deficiency claims for the transportation of prisoners.....	509
H. B.	415	An Act providing for the payment of deficiency claims for the care of prisoners.....	510
H. B.	431	An Act to pay certain employees of the Senate and the House as provided in Section 76 and 81 of the Revised Codes of 1907.....	510
H. B.	432	An Act appropriating money from the Bounty Fund for the payment of certain bounty claims which were disallowed by the State Board of Examiners owing to technical errors in the proof.....	510

CONTENTS

xxi

Chap.	No.	House or Bill. Senate.	Page.
		H. B. 445	An Act to appropriate money for the purpose of paying the claims of cities against the firemen's disability fund, which claims have been approved by the State Board of Examiners.....
		H. B. 452	An Act appropriating money for the deficiency claims of certain persons for services rendered and supplies furnished on account of the State Board of Health, which claims were approved by the State Board of Examiners.....
		H. B. 450	An Act appropriating money for the maintenance and betterment of the several State Institutions of Montana for two years, commencing March 1st, 1917, and ending February 28th, 1919
		H. B. 416	An Act providing for the payment of deficiency claims for the care of the insane.....
		H. B. 290	An Act appropriating money to pay the deficiency claims of Tim Driscoll for transporting prisoners to the State Penitentiary during January and February, 1915.....
		H. B. 316	An Act providing for the payment of deficiency claims for account of expense of Judges.....
		H. B. 313	An Act providing for the payment of deficiency claims for account of requisitions.....
		H. B. 104	An Act appropriating money to the County of Silver Bow as a refund for money erroneously collected and paid into the State Treasury.....
		H. B. 90	An Act to provide for the payment to Thomas Daly of the sum of Six Hundred Dollars for reimbursement of moneys paid by him in satisfaction of a judgment for Twenty-five Hundred Dollars rendered against him for damages in performance of his duties as a deputy State Fire Marshal.....
		H. B. 314	An Act providing for the payment of deficiency claims for account of public printing.....
		H. B. 298	An Act appropriating money to pay a judgment obtained against the State of Montana by William B. Pomeroy, together with interest thereon, which judgment was entered in the District Court of Lewis and Clark County on the 12th day of September, 1913, and affirmed by the Supreme Court of the State of Montana on June 12, 1915.....
		H. B. 448	An Act appropriating money for the maintenance of the Executive and Judicial Departments of the State Government for two years, commencing March 1st, 1917, and ending February 28th, 1919.....
		S. B. 110	An Act to appropriate money for the construction of a building to be used as a dormitory, library and assembly hall at the State Soldiers' Home

MEMORIALS AND RESOLUTIONS

J. H. R. 1	Memorializing Congress for an appropriation of One Million Dollars for the Flathead Irrigation Project for the ensuing year.....	534
H. R. 2	Asking the Senate of the United States for immediate legislation such as will permit, fully and freely, the development of water power in the streams and power sites on the public lands, and on the Indian Reservations in Montana, under such rules and regulations as the Congress of the United States may prescribe.....	535
H. J. R. 2	Memorializing Congress for the passage of hydro-electric power legislation that will enable the government to lease power sites to private legitimate enterprises under proper rules and regulations	536
J. H. M. 2	Memorializing Congress to relinquish and cease to exercise its jurisdiction over the Missouri and Yellowstone Rivers in the State of Montana.....	537
H. J. M. 3	Memorializing Congress of the United States for a biological survey of Flathead, Whitefish and Swan Lakes	538
J. H. R. 4	Memorializing Congress for the passage of an appropriation of \$10,000 to dredge Polson Bay on Flathead Lake of this State.....	538

Chap.	No.	House or Bill. Senate.	Page.
	H. J. M.	5	Memorial to the Congress of the United States to pass an amendment to the Federal Constitution and submit the same to the several states for ratification, prohibiting the manufacture and sale of intoxicating liquors for use as a beverage.....
	H. J. M.	7	Petitioning Congress to again police the Yellowstone National Park with officers and soldiers of the regular army, to the end that it shall be well protected from fire, as well as from vandals who would destroy its beauty and efficiency, so that our children's children may have their birthright, in the rivers that will flow undisturbed by drouth or freshet from the cloud-kissed peaks of Mount Washburn to the sunny lands that border the Gulf of Mexico.....
	J. H. R.	8	Memorializing Congress relative to the loaning of the funds of the postal savings banks directly to the public school districts.....
	H. J. M.	8	Memorializing Congress for the passage of necessary legislation to authorize the Northern Pacific Railway Company to relinquish certain lands in the State of Montana in favor of bona fide settlers thereon and to select other lands in the State of Montana in lieu thereof.....
	H. J. R.	9	Conveying the gratitude of the Fifteenth Legislative Assembly to the Honorable Martin Barrett of Beaverhead County, one of a group of members of the Eleventh Territorial Legislative Assembly who rendered valuable service in preventing the granting of subsidies to railroads building into the Territory of Montana in the year 1879, thereby relieving the present generation of a burden of debt and taxation.....
	S. J. M.	1	Petitioning Congress to enact a law admitting to citizenship one George Washington Taylor, formerly known as Sing On, born within the Empire of China.....
	S. J. M.	3	Petitioning the Congress of the United States that such legislation be enacted as will provide for the purchase or reservation of additional land, so as to include the site of the opening fight of the Battle of the Little Big Horn in the valley, and all of the land east of the river as far as the top of the bluff, from a point three thousand feet south of the De Wolf marker to the present reservation on Custer Ridge, comprising a strip to include Reno Hill; also asking Congress to provide that the lines of battle on the two fields be marked in an appropriate manner, and that a practical road or highway be built from and connecting the National Cemetery on Custer Ridge with Reno Hill and the site of Reno's fight in the valley, including a bridge over the Little Big Horn river between the two points last named.....
	S. J. R.	3	Urging Congress to enact such laws as may be necessary to secure to the employees in the Federal Mail Service a fair measure of compensation.....
	S. J. M.	4	Petitioning Congress to make a full investigation of the game question about the Yellowstone National Park, and that the Federal Government shall provide, in some way, to feed or otherwise care for the vast number of Elk that will surely starve each year upon the farms and pastures of Montana.....
	S. J. R.	4	Resolution communicating to the President of the United States the unquestioned, undivided and unanimous support, in whatever course the exigencies of the situation require, of the people of the State of Montana.....
	S. J. R.	5	Resolution relating to the service of the Second Montana Infantry and Cavalry Troop A during the Mexican trouble.....

SESSION LAWS

CHAPTER 1.

“An Act To Amend Section 6870e Of The Revised Codes Of Montana, Enacted In Chapter 113 Of The Laws Of 1915, So As To Avoid The Necessity Of Taking Oral Testimony Before Securing An Order For Publication Of Summons, In An Action To Quiet Title.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6870e of the Revised Codes of Montana, as contained in Chapter 113 of the Session Laws of 1915 be, and the same is hereby amended to read as follows:

Amending Section 6870e Revised Codes.

“Section 6870e. The affidavit provided for in sections 6870c and 6870d shall clearly show that the necessary facts exist, and that the plaintiff has used due diligence in all respects as to which due diligence is required in such case by the preceding sections. The facts constituting due diligence shall be set out in said affidavit.”

Quieting title. Affidavit must show what.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 2nd, 1917.

CHAPTER 2.

“A Bill for an Act entitled, “An Act authorizing and directing the Board of Railroad Commissioners of the State of Montana, to establish and fix the rate of one cent per mile for the railway fare to be charged for transporting prisoners regularly sentenced to the State Prison in the State of Montana, and the necessary guards to insure the safekeeping of such prisoners to

and from said State Prison to any point within the State of Montana, for the purpose of conveying such prisoners to such point or from such point to be employed on public roads or other public work."

Be it enacted by the Legislative Assembly of the State of Montana.

Railroad commissioners shall fix railroad fare for transporting prisoners and their guards.

Section 1. That the Board of Railroad Commissioners of the State of Montana, be and are hereby authorized and directed to promulgate the schedule of passenger rates, fixing the fare to be charged at the rate of one cent per mile, for transporting prisoners regularly sentenced to the State Prison in the State of Montana, and the necessary guards to insure the safekeeping of such prisoners, to and from said State Prison to any point within the State of Montana, for the purpose of conveying such prisoners to such point or from such point to be employed on public roads, or other public work.

Section 2. This Act shall take effect and be in full force after its passage and approval.

Approved February 6th, 1917.

CHAPTER 3.

A Bill for an Act entitled, "An Act to amend Chapter Two, Title Two, Part Two, of the Code of Civil Procedure of Montana, relating to Adverse Possession of Real Estate."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter Two, Title Two, Part Two, of the Code of Civil Procedure of Montana, be amended by adding thereto a Section to be numbered 6442 A.

Adverse possession, how established.

Section 2. "Section 6442 A: In no case shall adverse possession be considered established under the provision of any section or sections of this Code unless it shall be shown that the land has been occupied and claimed for a period of ten years continuously, and the party or persons, their predecessors and grantors have, during such period, paid all the taxes, State, County or Municipal, which have been legally levied and assessed upon said land."

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 6th, 1917.

CHAPTER 4.

A Bill for an Act entitled, "An Act to authorize the investment of the permanent funds of the State in Federal Farm Loan Bonds and to amend the first Section of the Initiated Law passed by the people at the general election held November 1914, by adding another Section thereto authorizing the State Board of Land Commissioners to make such investment."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Law initiated and passed by the people at the general election held in November, 1914, being a measure "Providing for the safe investment of the State Permanent Common School Funds, and all other State Educational, Charitable and Penal Institution Funds in the securities herein designed, for the prompt collection of interest thereon, providing a method of procedure in making said investments, to guard and protect such funds and prescribing the duties and obligations of the various officers of the state and the several counties to whom such funds are intrusted" is herein amended by adding thereto another section to be numbered "SECTION 1B," which shall read as follows:

Amending initiative law concerning investment of common school funds.

"Section 1B." "That the said State Board of Land Commissioners is also authorized to invest any of the permanent funds of the State in Federal Farm Loan Bonds.

Permanent funds may be invested in Federal Farm Loan Bonds.

Section 2. That it is not the purpose of this Act to repeal any of the provisions of said initiated measure but simply to provide another safe investment for said permanent funds and to assist in finding a market for said Federal Farm Loan Bonds.

Purpose of Act.

Section 3. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 6th, 1917.

CHAPTER 5.

“A Bill for an Act entitled: “An Act to amend Section 9029 of the Revised Codes of Montana, 1907, relating to the time within which an indictment for crime may be found or an information or complaint filed; and providing for excepting time during which the defendant is outside the state.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 9029 of the Revised Codes of Montana, 1907, is hereby amended to read as follows:

Time within which indictment may be had: Excluding time defendant is absent from state.

“Section 9029. Exception When Defendant Is Out of the State. If, after the offense is committed, the defendant leaves the state or resides outside the state, the indictment may be found or an information or complaint filed within the time herein limited, after his coming within the state, and no time during which the defendant is not an inhabitant of or actually a resident within this state, is part of the limitation.”

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1917.

CHAPTER 6.

An Act to amend Section 3178 of the Revised Codes of Montana, 1907, Providing for the Per Diem and Mileage of Grand and Trial Jurors for attendance before courts of record.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3178 of the Revised Codes of Montana, 1907, is hereby amended to read as follows:

Jurors; compensation and mileage.

3178: **Juror's fees:** Grand and trial jurors shall receive FOUR DOLLARS per day for attendance before any court of record and ten cents per mile each way for traveling from and to their residence and county seat. Any juror who is excused from attendance upon his own motion on the first day of his appearance in obedience to notice, or who has been summoned as a special juror and not sworn in the trial of the case, in the discretion of the court, may receive per diem and mileage.

Compensation in discretion of court when.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1917.

CHAPTER 7.

A Bill for an Act Requiring an Oath to Be Taken by Persons Testifying Before Legislative Committees, and providing that false testimony given by such persons shall constitute perjury.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person appearing before a committee of either house of the legislature for the purpose of testifying before, or giving or furnishing information to such committee with reference to any matter then pending before such committee, shall upon the request of such committee, take an oath or affirmation, which such oath or affirmation shall be administered by the chairman, or acting chairman of such committee and shall be in the following form: "You do solemnly swear (or affirm, as the case may be) that the evidence you shall give in the matter now pending before this committee, shall be the truth, the whole truth, and nothing but the truth so help you God."

Witnesses before
Legislative Com-
mittees.

Oath.

Section 2. Every person who, having taken the oath or affirmation required by Section 1 of this Act, knowingly or wilfully and contrary to such oath or affirmation states as true any material matter which he knows to be false is guilty of perjury.

Penalty for tes-
tifying falsely.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1917.

CHAPTER 8.

A bill for an Act entitled: "An Act to amend Section 9289 of the Revised Codes of Montana, 1907, relating to evidence necessary to convict of crime or obtaining money or property by false pretense."

Be it enacted by the Legislative Assembly of the State of Montana.

Amending Section 9289 Revised Codes.

Section 1. That Section 9289 of the Revised Codes of Montana, 1907, be and the same is hereby amended so as to read as follows:

Obtaining money under false pretense; cheating.

Section 9289. Upon a trial for having, with an intent to cheat or defraud another designedly, by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person any money, personal property, or valuable thing, the defendant cannot be convicted if the false pretense was expressed in language unaccompanied by a false token or writing, unless the pretense, or some note or memorandum thereof, be in writing, subscribed by or in the handwriting of the defendant, or unless the pretense is proven by testimony of two witnesses or that of one witness and corroborating circumstances; but this section shall not apply to a prosecution for falsely representing or personating another, and, in such assumed character, marrying or receiving any money or property.

Evidence required to convict.

Number of witnesses required.

Personating another.

Section 2: All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3: This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1917.

CHAPTER 9.

“An Act to amend Section 5177 Revised Codes of Montana, 1907, Relating to Defrauding the Owner of an Inn or Hotel, Owner of Cafe, Restaurant, Apartment, Rooming or Boarding House, or Hospital, and Providing Penalty for Violation Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 5177 Revised Codes.

Section 1. That Section 5177 Revised Codes of Montana, 1907, be and the same is hereby amended so as to read as follows:

Cheating hotels, restaurants, etc.

“Section 5177. (2514) Defrauding Innkeepers, etc., penalty. Any person who shall put up at any inn or hotel, restaurant, cafe, apartment, rooming or boarding house, or hospital, and who shall (except where credit is given by agreement) procure any food, entertainment or accommodation without paying therefor and with intent

to cheat and defraud the owner or keeper thereof out of his pay for same, or who, with intent to cheat and defraud such owner or keeper out of the pay thereof shall obtain credit at any hotel or inn, restaurant, cafe, apartment, rooming or boarding house or hospital for such food, entertainment or accommodation by means of any false show of baggage or effects brought thereto, or shall with such intent remove or cause to be removed any baggage or effects from any hotel or inn, restaurant, cafe, apartment, rooming or boarding house, or hospital, where there is a lien existing thereon for the proper charges due from such guest for fare and board furnished therein shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding three months or by fine not exceeding one hundred dollars and costs, or both such fine and imprisonment."

False pretense.

Removing baggage without paying lien thereon.

Misdemeanor.

Penalty.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect sixty days from and after its passage and approval.

Approved February 7, 1917.

CHAPTER 10.

"An Act to Authorize and Empower Any City or Town Organized Under the Laws of Montana to Receive and Take by Gift, Donation, Grant, Device or Bequest, Any Property, Real, Personal or Mixed, or Any Improved or Unimproved Park or Playground, or Any Water or Water Right, Water Reservoir or Water Shed, or Any Timberland or Reserve, or Any Fish or Game Reserve, in Any Part of the State of Montana, and to Own, Hold, Work and Improve the Same; and to Authorize Any Person, Company, Copartnership or Corporation to Make Gifts, Donations, Grants, Devices or Bequests of Any Kind of Property to Any Such City or Town."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any city or town organized under the laws of the State of Montana, is hereby empowered and given the right to accept, receive, take, hold, own and possess any gift, donation, grant, device or bequest, or any property, real, personal or mixed, or any improved or unimproved park or playground, or any water or water

Organized cities and towns authorized to take by gift, donation, device, etc.

Property enumerated.

right, water reservoir or water shed, or any timberland or any reserve, or any fish or game reserve, in any part of the State and the right to own, hold, work and improve the same; and said gifts, donations, grants, bequests or devices made to any officer or board of any such city or town shall be considered a gift, donation, grant, bequest or device made for the use and benefit of any such city or town and shall be administered and used by such city or town for the particular purpose for which the same was given, donated, granted, bequeathed or devised.

Gift, donation, grant, bequest, etc. to be considered for use of what.

Who may make gift, donations, bequest, etc.

Section 2. That any donation, gift or grant may be made by any person, company, copartnership or corporation to any city or town, organized under the laws of the State of Montana, of any property, real, personal or mixed, or any improved or unimproved park or playground, or any water or water right, water reservoir or water shed, or any timberland or reserve, or any fish or game reserve in any part of the State of Montana, to be held for the use and benefit of said city or town; and any person over the age of eighteen years and of sound mind and discretion may make any gift, grant, donation or testamentary disposition of property, real, personal or mixed, or any improved or unimproved park or playground, or water or water right, water reservoir or water shed, or timberland or reserve, or any fish or game reserve in any part of the state, to any city or town organized under the laws of the State of Montana; but in the event any gift, donation, grant, device or bequest shall be made to any such city or town or to any officer or board of such city or town, the same shall be construed as a gift, donation, grant, device or bequest to such city or town and shall be administered and used for such city or town and for the particular purpose for which the same was given, donated, granted, bequeathed or devised. And in the event no particular purpose is mentioned in such gift, donation, grant, device or bequest, then the same shall be used for the general support, maintenance, or improvement of any such city or town.

What property may be included.

Any person over age of eighteen may give or devise.

How used and administered.

When no purpose is designated in gift, devise, etc.

Section 3. Any Act or parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1917.

CHAPTER 11.

“An Act to Amend an Act Entitled: ‘An Act to Amend Sections 8, 10, 22, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909: ‘An Act Providing for the Management and Control of the Lands now Owned by or Hereafter to be Acquired by the State of Montana, Including the Sale and Rental Thereof and the Management, Protection, and Disposition of the Timber Growing Thereon and the Coal, Oil and Minerals Therein; Providing for the Management and Control of the Funds Realized from the Sale and Rental of State Lands and the Products Thereof; Naming and Providing for Certain Officers Subordinate to the State Board of Land Commissioners and Prescribing their Duties and Compensation; Providing for the Acquisition of Water Rights for Use upon State Lands; Defining and Providing for the Punishment of Certain Offenses for Violating the Provisions of This Act.’”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 118 of the Laws of the Twelfth Legislative Session be, and the same is hereby amended to read as follows:

Section 3 of
Chapter 118,
Laws 1911.

“Section 3. That Section 22 of Chapter 147 of the Laws of 1909 be amended to read as follows:

Section 22 of
Chapter 147
Laws 1909.

‘Section 22. The Register of State Lands shall have power to appoint one clerk whose salary shall be such sum as the Board may fix and allow, not exceeding the sum of Fifteen Hundred (\$1500.00) Dollars per annum, who shall give a bond to the State in such sum as the Board of Land Commissioners may designate, and said clerk shall act as Clerk of the Register, of the State Land Agent and of the State Forester without extra compensation; and the said Register of State Lands may employ all such other office force, when authorized by the said Board so to do, as may be necessary to carry out the provisions of this act, and may designate one of said office force as Cashier or Receiving Clerk, and may require such Cashier or Receiving Clerk to give such bond as the Board may order.’”

Power of Register of State Land office to appoint one clerk.

Salary.

Bond of Clerk.

Clerk to act as clerk of State Forester.

Register may employ all office force when.

Cashier or receiving clerk and his bond.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 7, 1917.

CHAPTER 12.

“An Act to Provide Free Text Books for the Use of the Pupils of the Public Schools, and High Schools, at the Expense of the District, and to Require the Trustees and School Boards of Each District to Purchase Same and Make Rules Governing the Use of Said Books, and to Allow Them Sold, at Cost, for Use of Pupils When Desired by Parents or Guardians; and to Amend Section 1811, Chapter 76, Laws of Thirteenth Legislative Assembly.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1811, Chapter 76 Laws of the Thirteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Free text books
in schools.

“Section 1811. That in all school districts of the State, and in all high schools, free text-books shall be furnished for the use of the pupils thereof, and it shall be the duty of all school boards and school trustees to purchase the text-books required for the use of the pupils in attendance thereon, at the expense of said districts, and said books shall be loaned to said pupils free of charge, subject to such rules and regulations as such trustees shall prescribe, provided that said free textbooks shall be sold, at cost, for the use of any pupils whose parents or guardians may request same.”

Duty of school
trustee to
purchase.

Books to be
loaned to
students.

Books to be sold
at cost.

Section 2. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall be in force and effect on and after five months from its passage and approval.

Approved February 8, 1917.

CHAPTER 13.

A Bill for an Act entitled: “An Act to Provide for the Issue and Sale of Bonds, by the State Board of Examiners of the State of Montana, for refunding Capitol Building Bonds of the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Refunding Cap-
itol Building
Bonds.
Power of Board
of Examiners.

SECTION 1: The State Board of Examiners of the State of Montana are hereby authorized to issue and dispose of bonds for the purpose of providing funds to pay

maturing, redeemable and outstanding "CAPITOL BUILDING BONDS OF THE STATE OF MONTANA, issued under the provisions of an Act of the Fifth Legislative Assembly of the State of Montana approved March 4th, 1897, authorizing the issuance of bonds for the erection of the State Capitol Building, the same being Sections 1238 to 1247, both inclusive, of the Revised Codes of Montana of 1907, under the following conditions and restrictions, to-wit:

FIRST. The aggregate amount of bonds authorized by this Act shall not exceed the sum of One Hundred Twenty-five Thousand Dollars (\$125,000.00.)

Amount of bonds authorized.

SECOND. The denomination of each bond shall be One Hundred Dollars (\$100.00), or any multiple thereof, but the maximum of any bond shall not exceed the sum of One Thousand Dollars (\$1,000.00).

Denomination of bonds.

THIRD. The term of said bonds shall not exceed ten years; and the bonds issued pursuant to this Act shall be redeemable and payable at the option of the said Board of Examiners in the following manner: One fifth within one year from their date, or at any interest paying date thereafter; one fifth within two years from their date, or at any interest paying date thereafter; one fifth within three years from their date, or at any interest paying date thereafter; and one fifth within four years from their date, or at any interest paying date thereafter; one fifth within five years from their date, or at any interest paying date thereafter."

Term of bonds.

May be redeemed at what periods and in what amounts.

FOURTH. The bonds may bear any rate of interest not in excess of four percent (4%) per annum, and the interest may be payable semi-annually.

Rate of interest.

FIFTH. The principal and interest shall be payable at the office of the State Treasurer at Helena, Montana.

Where payable.

SIXTH. The State Board of Examiners shall prescribe the form of the bond. The bonds shall bear upon their face the words "REFUNDING CAPITOL BUILDING BOND OF THE STATE OF MONTANA," and they shall be signed by the members of the State Board of Examiners, and shall be countersigned by the Secretary and Treasurer of the State of Montana, and the Great Seal of the State shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Form of bonds.

To be signed by whom.

SEVENTH. The coupons representing the interest on the bonds shall be signed by the State Treasurer, or an engraved or lithographic fac-simile of the signature of the

Coupons to be signed how.

Treasurer may be affixed thereto, provided, it is so authorized in the bond.

How bonds to be disposed of.

SECTION 2: The bonds provided for in this Act shall be disposed of by the State Board of Examiners, in such manner as they shall deem for the best interest of the State, provided, that no bond shall be disposed of for less than its par value.

Shall be paid out of what fund.

SECTION 3: The principal and interest of the bonds authorized by this Act shall be paid out of the special fund provided for by Section 1240 of the Revised Codes of Montana of 1907, designated as the "CAPITOL BUILDING INTEREST AND SINKING FUND," and from said "CAPITOL BUILDING INTEREST AND

Interest to be paid out of what fund and when.

SINKING FUND" there shall, as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided that it is the duty of the State Board of Land Commissioners, whenever there are any funds in the said "CAPITOL BUILDING INTEREST AND SINK-

Investment of surplus in Capitol Buildings interest and sinking fund.

ING-FUND," over and above the sum of Twenty-five Hundred Dollars (\$2500.00) in excess of the amount required to pay the yearly interest on the bonds issued pursuant to Chapter 63 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, and the yearly interest on the bonds issued pursuant to Chapter 11 of the Laws and Resolutions passed at the Extra-Ordinary Session of the Eleventh Legislative Assembly, and the interest on the bonds provided for by this Act, to invest such excess funds in the manner set forth and provided in Section 1241 of the Revised Codes of the State of Montana of 1907, and the amount so invested shall constitute a permanent fund to pay the principal of the bonds issued pursuant to Chapter 63 of the Session Laws of the

Permanent fund.

Eleventh Legislative Assembly of the State of Montana, of the bonds issued pursuant to Chapter 11 of the Laws and Resolutions passed at the Extra-Ordinary Session of the Eleventh Legislative Assembly, and of the bonds issued pursuant to this Act; and all interest or profit derived from the investment shall be paid into the "STATE CAPITOL BUILDING INTEREST AND SINKING FUND," and the principal and interest of the bonds issued pursuant to this Act shall be a first lien upon said funds and the lands granted and belonging to the State for the purpose of erecting a State Capitol Building.

Interest and profits to be paid into what fund.

Lien on permanent fund.

State to be reimbursed when paying interest from general or other funds.

SECTION 4: It is hereby provided and set forth that in the event the State of Montana shall at any time pro-

vide and pay the interest, or any part thereof, on the bonds authorized by this Act from the general fund of the State, or by any special appropriation made, or taxes levied therefor, then for any and all interest so paid, the State shall be reimbursed from the said "CAPITOL BUILDING INTEREST AND SINKING FUND," by the payment of the amount so paid or due, whenever there is sufficient money in said "CAPITOL BUILDING INTEREST AND SINKING FUND" to pay the same.

SECTION 5: The State Treasurer is hereby designated as the Custodian of the funds provided by this Act, and he shall pay all interest upon the bonds herein provided for as the same become due and charge the amount thereof to the "CAPITOL BUILDING INTEREST AND SINKING FUND," hereinbefore referred to.

State Treasurer
custodian of
fund.

Duties.

SECTION 6: Whenever any bonds authorized by this Act shall become redeemable, and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Bonds to be
called in when.

SECTION 7: In the event there shall not at any time be sufficient money in the "CAPITOL BUILDING INTEREST AND SINKING FUND," to pay the interest when due, the State Board of Examiners shall, by an order entered in their minutes or record books, cause warrants to be issued on the said "CAPITOL BUILDING INTEREST AND SINKING FUND" for the amount of interest due, and the warrants so issued shall be registered in the office of the Treasurer of the State, and shall bear interest at the rate of four percent (4%) per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, and by reason of the delivery of the said warrants to the holders of the said bonds, and the surrender of said interest coupons, there shall be no default in the payment of interest.

Warrants for in-
terest.

Warrants to be
registered when.

Interest on war-
rants to be paid
when.

No default in
payment of in-
terest.

SECTION 8: Nothing in this Act shall be construed as to in anywise hold the State of Montana liable for the payment of the bonds herein authorized, or the interest thereon, except as to the lien heretofore created against the lands and funds granted for the purpose of erecting a State Capitol Building, and such liens shall not be abridged, annulled or set aside until the bonds authorized by this Act shall have been fully paid, together with interest thereon, and the Governor is hereby specially au-

State not liable
for payment of
bonds or interest.

Lien on land.

Power of Gov-
ernor.

thorized and empowered to use all lawful means to enforce the provisions of this Act.

Money derived
from sale of re-
demption bonds.

SECTION 9: All moneys received from the sale of the bonds authorized by this Act shall be paid to the State Treasurer, and must be by him applied to the payment of the maturing, redeemable and outstanding "CAPITOL BUILDING BONDS OF THE STATE OF MONTANA," issued under the provisions of an Act of the Fifth Legislative Assembly of the State of Montana approved March 4th, 1897, authorizing the issuance of bonds for the erection of the State Capitol Building, the same being Sections 1238 to 1247, both inclusive, of the Revised Codes of the State of Montana of 1907.

Number of bonds
to be issued.

SECTION 10: Only so many of the refunding bonds herein provided for shall be issued as may be necessary to pay the outstanding and redeemable "CAPITOL BUILDING BONDS OF THE STATE OF MONTANA," issued under the provisions of an Act of the Fifth Legislative Assembly of the State of Montana approved March 4th, 1897, authorizing the issuance of bonds for the erection of the State Capitol Building, the same being Sections 1238 to 1247, both inclusive, of the Revised Codes of the State of Montana of 1907.

SECTION 11: This Act shall be in full force and effect from and after its passage and approval.

Approved Februry 8th, 1917.

CHAPTER 14.

"An Act to Amend Section 3246 of the Revised Codes of Montana of 1907, Relating to Salary of Clerk."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 3246 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended so as to read as follows:

Salaries of city
clerks to be
fixed by whom.

Cities of the first
class.

Cities of the sec-
ond class.

Cities of the
third class.

The annual salary and compensation of the city clerk must be fixed by ordinance, and in cities of the first class must not exceed Twenty-four Hundred (\$2400.00) Dollars, which is for all services rendered by him in any capacity; in cities of the second class must not exceed Fifteen Hundred (\$1500.00) Dollars; in cities of the third class must not exceed Twelve Hundred (\$1200.00) Dollars, which compensation for cities of the second and third

class includes services rendered by him as city attorney; and in towns must not exceed Three Hundred (\$300.00) Dollars, which includes all services rendered by him in any capacity. Provided, however, that nothing in this Section shall be held or construed as applying to cities and towns operating under the commission form of government.

In towns, to include all service.

Not to apply to certain cities and towns.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.
Approved February 8th, 1917.

CHAPTER 15.

“An Act to Amend and Re-enact Section 2616 of the Revised Codes of 1907 of the State of Montana, Relating to the Collection of Taxes by the County Treasurer, and the Manner of Giving Notice of the Amount Due, the Amount Delinquent, When Delinquent, and the Penalty Added in Case of Delinquency.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2616 of the Revised Codes of 1907 of Montana be, and the same is hereby amended and re-enacted so as to read as follows:

Amending clause.

“Section 2616. Within ten days after the receipt of the ‘Duplicate Assessment Book,’ the county treasurer must publish a notice specifying:

Duties of county treasurer.

1. That taxes will be delinquent on the 30th day of November next thereafter, at 6 o’clock P. M., and that unless paid prior thereto, ten per cent will be added to the amount thereof;

Notice of taxes, and contents thereof.

2. The time and place at which payment of taxes may be made; and he must send to the last known address of each taxpayer a post card, or other written notice, postage prepaid, showing the amount of taxes due the current year, and the amount due and delinquent for other years; but any failure to give either notice will not affect the legality of the tax.”

Contents of notice to what address.

Failure to send not to affect taxes.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in force and take effect thirty days after its passage and approval.

Approved February 10th, 1917.

CHAPTER 16.

A Bill for an Act entitled: "An Act to amend Chapter 14 of the laws of the Fourteenth Legislative Assembly, entitled, 'An Act Providing for Indeterminate Sentences of Persons Convicted of Crime, and for the Parole of Such Persons, and Prescribing the Duties of Officials in Connection Therewith.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Chapter 14 of the laws of the Fourteenth Legislative Assembly be and the same is hereby amended so as to read as follows:

Indeterminate
sentence.

Section 1. Whenever, after the passage and approval of this Act, any person shall be found guilty of any crime or offense punishable by imprisonment in the state prison, except treason, murder in the first degree, rape by force, or administering poison to a human being with intent to kill, the court must, instead of fixing the punishment at a definite term, provide in the sentence and judgment that the defendant be confined in such prison not less than a certain time nor longer than a certain time, both the minimum and maximum time shall be named in such judgment and such minimum time shall not be longer than one half of the maximum time named in such judgment, and may be less than such one half time nor shall it be less than the minimum time named in the law prescribing punishment for such crime or offense, nor shall the maximum time named in such judgment exceed the maximum punishment named in such law; provided that in any judgment under this Act the minimum time shall not be less than six months. In all cases where the punishment is fixed by the jury, the minimum and maximum time to be served shall be set forth in the verdict.

Term of impris-
onment.

Minimum time to
be fixed how.

Maximum time
limited how.

Minimum time
not less than six
months.

Where punish-
ment is fixed by
the jury.

Prisoner may be
paroled when.

Section 2. Any person receiving an indeterminate sentence as provided in this Act may, in the discretion of the Governor and State Board of Prison Commissioners, be paroled at any time after he shall have served in such prison one-half of the minimum time specified in such judgment.

Effect of Act not
to repeal or
amend what
laws.

Section 3. This Act shall not have the effect of repealing or amending the provisions of Chapter 21 of the Session Laws of the Thirteenth Legislative Assembly, relating to suspending sentences, nor of amending existing laws relating to paroles except that any convict may be

paroled after serving one half of such minimum time in this Act provided.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1917.

CHAPTER 17.

“An Act to Regulate the Giving or Furnishing of Bonuses or Premiums, Such as the Giving of Furnishing of Stamps, Coupons, Tickets, Certificates, Cards, Gifts or Premiums, Such as Crockery, Chinaware, Aluminumware, Tinware, or Anything Else that May Be Included with or Contained in Packages of any Kind of Merchandise, of any Description, or Other Similar Device for, or with or in Connection with the Sale of Goods, Wares or Merchandise, and Providing a Penalty for the Violation Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm or corporation who shall use, and every person, firm or corporation who shall furnish to any other person, firm or corporation to use, as a gift or bonus, or otherwise, in, with, or for the sale of any goods, wares or merchandise, any premium or bonus, including stamps, coupons, tickets, certificates, cards, or other similar devices which shall entitle the purchaser receiving the same with such sale of goods, wares or merchandise to procure from any person, firm or corporation, any premium or bonus, including goods, wares or merchandise free of charge or for less than the retail market price thereof upon the production of any number of said stamps, coupons, tickets, certificates, cards, or other similar device; and every person, firm or corporation placing premiums or bonuses of goods, wares or merchandise, including such as crockery, chinaware, aluminumware, tinware, graniteware, or anything else that may be included or contained or delivered with packages of any kind of merchandise of any description, shall, before so furnishing, selling or using the same, obtain a separate license therefor from the County Treasurer of each county wherein such furnishing or selling or using of such premi-

Premiums or bonuses in sale of merchandise forbidden.

License to give premiums or bonuses with sale of merchandise to be procured.

ums or bonuses shall take place, for each and every store or place of business in that county from which such furnishing or selling of premiums or bonuses as herein enumerated, or in which such shall take place.

License fee.

Section 2. In order to obtain such license the person, firm or corporation applying therefor shall pay to the County Treasurer of the county for which such license is sought, the sum of Six Thousand (\$6,000.00) Dollars, and upon such payment being made the County Treasurer shall issue to such person, firm or corporation so paying, a license to, for the period of one year, give or furnish or include in or with sales of goods, wares or merchandise, premiums or bonuses, or other similar devices, as described in Section 1 of this Act, or to pack such premiums or bonuses in or deliver same in connection with packages of merchandise, as premiums or bonuses.

County treasurer
to issue license
when.

What license
shall contain.

Section 3. Such license shall contain the name of the grantee thereof, the date of its issuance and expiration, and name of the town or city or place in which the same shall be used, and shall only operate to license retail sales made in such town, city or place.

Penalty.

Section 4. Any person, firm or corporation violating any of the provisions of this Act shall, for each single offense, be deemed guilty of a misdemeanor, and punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail not to exceed Sixty (60) days, or by both such fine and imprisonment.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect six (6) months from and after its passage and approval.

Approved February 10th, 1917.

CHAPTER 18.

“An Act Regulating and Limiting the Hours of Employment for Female Employees, and Governing the Conditions under which Female Employees shall Work in Certain Industries and Providing Penalties for Violation Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Hours of labor
for females.

Section 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laun-

dry, hotel or restaurant in this State, for more than eight hours in any one day. The hours of work may be so arranged so as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four of any one day, provided that females may be employed in retail stores to work not to exceed ten hours in any one day for one week immediately preceding Christmas day.

Eight hour day.

Ten hours in retail stores.

Section 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not employed in the active duties of their employment.

Seats to be furnished and employees permitted to use them when.

Section 3. Any employer who shall require any female to work in any of the places mentioned in Section 1, more than the number of hours provided in this Act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ, so that they shall not work more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in Section 2 of this Act, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offense not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, or be imprisoned in the county jail for a period of not less than ten nor more than sixty days, or both such fine and imprisonment.

Penalties for the violation of provisions of Act.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect and be in force from and after April first, 1917.

Approved February 12th, 1917.

CHAPTER 19.

A Bill for an Act to amend Sections 2 and 3 of Chapter 83 Session Laws of the Thirteenth Legislative Assembly of the State of Montana, "An Act to provide for the regulation of sale of articles by weight, measure or numerical count, within the State of Montana: Creating the

office of State Sealer of Weights and Measures, providing the duties and powers of such State Sealer of Weights and Measures: Providing penalties for the violation of the provisions of Chapter 34 of the laws of the Twelfth Legislative Assembly." Approved March 13, 1913.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2
amended.

Section 1: That Section 2 of Chapter 83 of the Session laws of the Thirteenth Legislative Assembly of the State of Montana be amended so as to read as follows:

Authority and
duties of State
Sealer of
Weights and
Measures.

"Section 2. (a). The state sealer of weights and measures shall have full authority and supervision over the inspectors of weights and measures, hereinafter provided for, and all deputy sealers of weights and measures appointed as such by any municipal corporation within the state. Said state sealer of weights and measures shall have general supervision over the weights and measures of the state. He shall take charge of the standards of weights and measures and shall procure at the expense of the state any weights and measures that may be necessary, and shall cause them to be kept and in no case removed from a fire proof vault in his office, except for the purpose of certification or repairs. He shall maintain said standards in good order and submit them once in ten years to the National Bureau of Standards for certification. He shall correct the standards of the several counties, cities and towns as often as he may deem necessary, and at least as often as once in five years, and where not otherwise provided by law he shall have general supervision of the weights and measures, or weighing and measuring devices of the state in use in the state.

Supervision over
weights and
measures.

Standards to be
kept where.

Correction of
standards of
counties, cities
and towns.

County Auditors
and Clerks design-
ated as inspec-
tors.

(b). The County Auditors in counties of the first, second, third, fourth and fifth class and county clerks in counties of the sixth, seventh and eighth class are hereby declared to be inspectors of weights and measures in their respective counties."

Section 3
amended.

Section 2: That Section 3 of Chapter 83 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be amended so as to read as follows:

Secretary of
State ex-officio
State Sealer of
Weights and
Measures.

"Section 3. The Secretary of State as Ex-Officio State Sealer of Weights and Measures shall be authorized to do and perform any and all acts by this act authorized. All bills and accounts of expense incurred by the State Sealer of Weights and Measures shall be presented to and al-

Expense
accounts of.

lowed by the State Board of Examiners in the same manner as provided for other claims contracted for and in behalf of the State of Montana.”

Section 3: All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4: This Act shall be in full force and effect from and after its passage and approval.

Approved February 10th, 1917.

CHAPTER 20.

“An Act to Amend Section 6339, Code of Civil Procedure, Revised Codes of Montana, 1907, exempting from jury duty regularly licensed embalmers and undertakers.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6339 of the Code of Civil Procedure, Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows: Amending clause.

“Section 6339. (232). Who exempt from jury duty: A person is exempt from liability to act as juror if he be: Who are exempt from jury duties.

1. A Judicial, Civil or Military Officer of the United States, or of this State; U. S. and state officers.

2. A person holding a County, Township or Town Office; Township and town officers.

3. An Attorney at law in practice; Attorneys-at-law.

4. A Minister of the Gospel, or a Priest of any denomination, or Editor, following his profession; Ministers and priests; editors.

5. A Teacher in a University, College, Academy or School; Teachers.

6. A practicing Physician, Dentist or Druggist actually engaged in the business of dispensing medicines, or a regularly licensed embalmer or undertaker; Physicians, dentists and druggists.

7. An Officer, Keeper or Attendant of an Alms House, Hospital, Asylum or other charitable institution; Officers and keepers of alms houses, etc.

8. Engaged in the performance of duty as Officer or Attendant of the State Prison, Penitentiary or of a County Jail; Officers and employees of prisons.

9. An Express Agent, Mail Carrier, Superintendent, Employee or Operator of a Telegraph line doing a general telegraph business in the State; Express, mail and telegraph line employees.

10. An active member of the National Guard of Montana, or an active member of a Fire Department of any city or town in this State. The number of firemen hereby National Guards, members of fire departments.

Limitations concerning numbers of fire companies.

List of names to be filed where.

Railroad superintendents.
Courts to discharge persons named.

Repealing clause.

must not exceed twenty-eight, including officers for each company organized; and such members from each company must be selected from the roll of such company according to the seniority of membership, and a list containing the names of such persons must be made out by the secretary of each company and filed with the clerk of the board of county commissioners on the first Mondays of December, March, June and September, and any failure to file the list hereby required is considered a waiver of such exemption;

11. A Superintendent on a railroad.

The court must discharge a person from serving as a trial juror, in either of the following cases:

Where it satisfactorily appears that he is not competent; and

Where it satisfactorily appears that he is exempt, and claims the benefit of the exemption.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13th, 1917.

CHAPTER 21.

“An Act to Extend and Define the Boundaries of Silver Bow County, and to Alter the Boundaries of Deer Lodge County to Conform Thereto.”

Be it enacted by the Legislative Assembly of the State of Montana:

Boundaries of Silver Bow county.

Section 1. That all that part of the State of Montana, embraced within the following boundaries, shall be known as and shall be Silver Bow County, to-wit:

Beginning at a point where the line of the divide between the headwaters of Brown's Gulch and Dry Cottonwood Creek intersects the Continental Divide and running thence southwesterly along the line of the said divide between the headwaters of Brown's Gulch and Dry Cottonwood Creek to the point where said divide intersects the first standard parallel north of the base line, according to the survey of public lands in Montana; thence running west along said standard parallel to the point where said standard parallel intersects the Deer Lodge Guide Meridian; thence south to the southeast corner of township

number 4 north, of range number 10 west, of the principal base and meridian for Montana; thence west to the south corner common to sections 32 and 33, township number 4 north, of range number 10 west, of the principal base and meridian for Montana; thence in a southerly and westerly direction to the top of the divide between Willow Creek and Beef Straight; thence along the top of said divide to the point where it intersects with the main range of the Rocky Mountains; thence following the summit of said main range of the Rocky Mountains as it trends in a southerly direction to the point where it is intersected by the divide between Bear Creek and Johnson Creek; thence following said divide in a southerly direction and continuing south to a point in the center of the channel of the Big Hole River; thence down the center of said river to the mouth of Camp Creek; thence up Camp Creek to its right hand fork; thence up said fork to its source; thence in a direct line to the summit of Table Mountain; thence in a direct line to Parson's Bridge on the Jefferson River; thence westerly along Parson's toll road, leading from Parson's Bridge to Butte City, to the point where said road crosses Fish Creek; thence up Fish Creek to the head of Belcher's Ditch; thence in a direct line to the forks of Little Pipestone Creek, near the site of Parson's old toll gate; thence up the north fork of Little Pipestone Creek to its source; thence in a direct line to the nearest point of the Continental Divide; thence northerly along said Continental Divide to the place of beginning.

Section 2. All territory and appurtenances within the boundaries of Silver Bow County as established by this Act, that heretofore belonged to Deer Lodge County, are hereby segregated from Deer Lodge County, and are attached to and made a part of Silver Bow County.

Territory segregated from Deer Lodge county.

Section 3. The boundaries of Deer Lodge County are hereby altered to conform to the boundaries of Silver Bow County as established by this Act.

Boundaries of Deer Lodge county altered.

Section 4. The indebtedness of Deer Lodge County as the same shall exist at the time of the passage of this Act, shall be apportioned between the said County of Deer Lodge and the said County of Silver Bow, after first deducting therefrom the value of all County buildings, real estate and personal property, belonging to Deer Lodge County, and not included within the territory hereby segregated from Deer Lodge County, in the proportion that the assessed valuation of all property within the

Apportionment of indebtedness of Deer Lodge county.

How indebtedness arrived at.

territory so segregated bears to the assessed valuation of all property remaining within the said County of Deer Lodge after the alteration of its boundaries provided for by this Act.

Basis of apportionment of indebtedness.

Section 5. The apportionment of said indebtedness shall be based upon the assessed value of property within the said County of Deer Lodge for the year 1916 as determined by the Boards of Equalization, and a depreciation of one per cent per annum from the date of the construction of the county buildings and improvements shall be computed and shall govern in the estimate of the value of said county buildings and improvements, and the actual value of all other real estate and county property, as it may exist when said apportionment is made, shall govern the estimate of its value.

Persons who shall make apportionment and time and place of meeting.

Section 6. The chairmen of the Boards of County Commissioners of the counties of Silver Bow and Deer Lodge, together with Judge R. Lee Word or Judge W. H. Poorman, of the District Court of the First Judicial District of the State of Montana, shall meet at the Court House in Anaconda, Montana, on a day to be named by said District Judge, not later than June 15, 1917, and there make the apportionment of indebtedness provided for in this Act.

Warrant to be drawn in payment of apportioned indebtedness by Silver Bow county.

Section 7. Immediately after apportioning the indebtedness, as provided for in Sections 4, 5 and 6 of this Act, the County Commissioners of Silver Bow County shall cause to be drawn, issued and attested, a lawful warrant on the general fund of Silver Bow County payable to the County of Deer Lodge, in payment of the amount of the indebtedness of Deer Lodge County that shall have been apportioned to the territory hereby segregated from Deer Lodge County and attached to Silver Bow County.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall take effect and be in force on and after May 1st, 1917.

Approved Februtry 13, 1917.

CHAPTER 22.

A Bill for an Act Entitled: "An Act in Relation to the Release of Record of Oil, Gas, and Other Mineral Leases: Providing Civil Remedies in Connection Therewith."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1: When any oil, gas, or other mineral lease heretofore or hereafter executed shall become forfeited, it shall be the duty of the lessee, his successor, or assigns, within sixty days from the date this Act shall take effect, if the forfeiture occurred prior thereto and within sixty days from the date of the forfeiture of any and all leases, to have such lease released from record in the county where the leased land is situated without cost to the owner thereof.

Release of record of oil, gas and mineral leases.

Section 2: Should the owner of such lease neglect or refuse to execute a release as provided by this Act, then the owner of the leased premises may sue in any court of competent jurisdiction to obtain such release, and he may also recover in such action of the lessee, his successor, or assigns, the sum of one hundred dollars as damages, and all costs together with a reasonable attorney's fee for preparing and prosecuting the suit, and he may also recover any additional damages that the evidence in the case will warrant. In all such actions writs of attachment may issue as in other cases.

Action to compel release.

Damages which may be recovered.

Costs and attorney's fees.

Section 3: At least twenty days before bringing the action provided for in this Act, the owner of the leased land, either by himself or by his agent or attorney, shall demand of the holder of the lease (if such demand by ordinary diligence can be made in this state) that said lease be released of record. Such demand must be written. When written, a letter-press or carbon or written copy thereof, when shown to be such, may be used as evidence in any court with the same force and effect as the original.

Demand for return to be made when and upon whom.

Contents of demand and proof of same.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14th, 1917.

CHAPTER 23.

A Bill for an Act Entitled: "An Act to Empower Cities of the First, Second, and Third Class to Provide Band Concerts for the Entertainment of Their People During the Months of June, July, August and September of Each Year."

Be it enacted by the Legislative Assembly of the State of Montana:

Cities which may
provide band
concerts during
summer months.

To be paid for
out of what
fund.

Limit of number
of concerts.

Local bands only
to be employed.

Section 1: That cities of the first, second and third class as defined by the laws of the State of Montana, may at their discretion provide public band concerts during the months of June, July, August and September of each year, for the entertainment of their people, and to pay therefor out of any moneys in their general fund; said Band Concert entertainments to be given at a place or places and at a time or times to be designated by the City Council; Provided, however, that said Band Concerts shall be given not more than two each week during the said months of June, July, August and September of each year, and provided however, that no Band shall be employed in connection with the giving of said Band Concerts except one having its head quarters in the City in which the said Band Concert is given.

Section 2: This Act shall take effect and be in force from and after its passage.

Approved February 14th, 1917.

CHAPTER 24.

A bill for an Act entitled: "An Act providing for the manner, time, and place of issuing bills of lading and the manner, time, and place of delivery of bills of lading by Railway Companies, at stations where station agents are not provided: And providing a penalty for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Bills of lading to
be issued by rail-
road station
agents.

Duty of conduc-
tor receiving
shipment.

Duty of station
agent.

Section 1: That all railway companies operating in the State of Montana, which do not permit bills of lading to be issued by other employees than agents, shall be required to have said bills of lading issued by the station agent at the nearest station where a station agent is regularly maintained in the direction toward which the shipment is destined. The conductor of the train which receives the shipment at its point of origin shall deliver to the agent at the nearest station at which an agent is maintained through which said shipment moves, immediately upon the arrival of the train carrying said shipment at said agency station, all data necessary for the issuance of a bill of lading for said shipment. The agent shall imme-

diately issue said bill of lading, and shall deliver the same to the shipper or his agent or shall within twenty-four hours after the receipt of said data from the said conductor, for shipment of 20,000 pounds or over, the said agent shall deposit the said bill of lading in a United States Post Office, addressed and registered to the consignor, his agent or attorney, of said shipment to his proper post office address, shipments of less than 20,000 pounds to be mailed without registering.

Deposit of bill of lading in mails.

Section 2: Any railway company operating in the State of Montana violating any provisions of this Act, shall be guilty of a misdemeanor and liable to a fine of not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars.

Violation of provisions of Act.

Penalty.

Section 3: All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4: This Act shall be in full force and effect 60 days from and after its passage and approval.

Approved February 14th, 1917.

CHAPTER 25.

A bill of an Act entitled: "An Act to amend Section 9006 of the 1907 Revised Codes of Montana, having to do with the removal of public officers by summary proceedings."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1: That Section 9006 of the 1907 Revised Codes of the State of Montana, being formerly known as Section 1545 of the Penal Code of the State of Montana, be, and the same is hereby amended to read as follows:

"When an accusation in writing, verified, by the oath of any person, is presented to the District Court, alleging that any officer within the jurisdiction of the Court has been guilty of knowingly, wilfully, and corruptly charging and collecting illegal fees for services rendered, or to be rendered, in his office, or has wilfully refused or neglected to perform the official duties pertaining to his office, the Court must cite the party charged to appear before the Court at a time not more than ten nor less than five days from the time the accusation was presented; and on that day, or some other subsequent day not more than forty days from the date on which the accusation was pre-

Duty of District Court when verified complaint is filed accusing officer of collecting illegal fees.

Citation.

Time of hearing charges.

- Summary hearing. sented, must proceed to hearing, in a summary manner, or trial, upon the accusation and evidence offered in support of the same, and the answer and evidence offered by the party accused; provided, if the charge be for the charging and collecting of illegal fees or salaries, the trial must be by jury, if the defendant so demands, and conducted in all respects and in the same manner as the trial of an indictment for a misdemeanor, and the defendant shall be entitled, as a matter of defense, to offer evidence of, and the jury under proper instructions shall consider, his good faith or honest mistake, if any be shown, and the value received by the State, County, Township or municipality against whom the charges or fees were made. If, upon such hearing or trial, the charge is sustained, the Court must enter a judgment that the party accused be deprived of his office, and for such costs as are allowed in civil cases; and if the charge is not sustained, the Court may enter a judgment against the complaining witness for costs as are allowed in civil cases."
- When trial must be by jury. party accused; provided, if the charge be for the charging and collecting of illegal fees or salaries, the trial must be by jury, if the defendant so demands, and conducted in all respects and in the same manner as the trial of an indictment for a misdemeanor, and the defendant shall be entitled, as a matter of defense, to offer evidence of, and the jury under proper instructions shall consider, his good faith or honest mistake, if any be shown, and the value received by the State, County, Township or municipality against whom the charges or fees were made. If, upon such hearing or trial, the charge is sustained, the Court must enter a judgment that the party accused be deprived of his office, and for such costs as are allowed in civil cases; and if the charge is not sustained, the Court may enter a judgment against the complaining witness for costs as are allowed in civil cases."
- Jury may, what. party accused; provided, if the charge be for the charging and collecting of illegal fees or salaries, the trial must be by jury, if the defendant so demands, and conducted in all respects and in the same manner as the trial of an indictment for a misdemeanor, and the defendant shall be entitled, as a matter of defense, to offer evidence of, and the jury under proper instructions shall consider, his good faith or honest mistake, if any be shown, and the value received by the State, County, Township or municipality against whom the charges or fees were made. If, upon such hearing or trial, the charge is sustained, the Court must enter a judgment that the party accused be deprived of his office, and for such costs as are allowed in civil cases; and if the charge is not sustained, the Court may enter a judgment against the complaining witness for costs as are allowed in civil cases."
- Judgment. party accused; provided, if the charge be for the charging and collecting of illegal fees or salaries, the trial must be by jury, if the defendant so demands, and conducted in all respects and in the same manner as the trial of an indictment for a misdemeanor, and the defendant shall be entitled, as a matter of defense, to offer evidence of, and the jury under proper instructions shall consider, his good faith or honest mistake, if any be shown, and the value received by the State, County, Township or municipality against whom the charges or fees were made. If, upon such hearing or trial, the charge is sustained, the Court must enter a judgment that the party accused be deprived of his office, and for such costs as are allowed in civil cases; and if the charge is not sustained, the Court may enter a judgment against the complaining witness for costs as are allowed in civil cases."
- Repealing clause. Section 2: All Acts and parts of Acts in conflict herewith are hereby repealed.
 Section 3: This Act shall be in full force and effect from and after its passage and approval.
 Approved February 14th, 1917.

CHAPTER 26.

"An Act to Amend Section 1564, the Revised Codes of 1907, as the Same Appears After Amendment by Chapter 66 of the Session Laws of the Twelfth Legislative Assembly, Relating to the Pollution of Water Supply."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1564 of the Revised Codes of 1907, as the same appears after amendment by Chapter 66, the Session Laws of the Twelfth Legislative Assembly, be and the same is hereby amended so as to read as follows:

Pollution of springs, ponds, lakes and streams used for water or ice supply, forbidden.

"Section 1564. That no sewerage, drainage, refuse or polluting matter, or such kind and amount as either of itself or in connection with other matter, will corrupt, pollute or impair the quality of the water of any spring, pond, lake or stream used as a source of water or ice supply by a city, town or federal, state or county institu-

tion or water or ice company for domestic use, or render it injurious to health, and no human excrement shall be discharged into any such stream, spring, lake, pond or upon their banks or into any feeders of such spring, lake, pond or stream unless such sewerage, drainage, refuse or polluting water shall at the discretion of the State Board of Health have been purified, so as to render it harmless in such a manner and under such conditions and restrictions as the State Board of Health may direct."

Purifying of
waters.

Section 2. All Acts and parts of Acts in conflict with this are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1917.

CHAPTER 27.

"An Act to Amend Section 3342 of the Revised Codes of 1907, as Amended by Chapter 103 of the Session Laws of 1911, Relating to the Amount of Taxes to be Assessed and Levied by Municipalities for General Municipal and Administrative Purposes, and for the Purpose of Maintaining Public Parks."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3342 of the Revised Codes of 1907 as amended by Chapter 103 of the Session Laws of 1911 be and the same is hereby amended to read as follows:

Amending
clause.

"Section 3342. The amount of taxes to be assessed and levied for general municipal or administrative purposes in cities of the first class with a population of 35,000 or over must not exceed one and two tenths per centum of the assessed value of the taxable property in all such cities of the first class, and in all other cities or towns must not exceed one per centum on the assessed value of the taxable property of the city or town; and the council in each city or town may distribute the money collected into such funds as are prescribed by ordinance; Provided, that for the purpose of maintaining public parks the council in any city or town may assess and levy, in addition to the said levy for general municipal or administrative purposes not exceeding two mills on the dollar on the assessed value of the taxable property of the city or town."

Limitation to
taxation in cities
of the first class.

For all other
cities.

Council may dis-
tribute tax
money, how.

Limit on taxa-
tion for parks in
cities and towns.

Repealing clause. Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1917.

CHAPTER 28.

“An Act to Permit the Establishment, Maintenance and Operation of a Public Market House or Market Space at the County Seats of the Counties Within the State, Providing for the Supervision and Control thereof and for the Acquiring of Property for the Purpose of Carrying out the Provisions of this Act, and Penalties for the Violation Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Market houses. Section 1. That in addition to the powers specifically granted by the laws of the State of Montana, and such other limitations and exceptions contained in the existing statutes of the State of Montana in reference to the debt-incurring power of boards of county commissioners, the boards of county commissioners in every county in the State of Montana shall have the power to erect market houses, to be located at the county seats of their respective counties, and to establish and regulate markets, and to acquire the property necessary therefor.

Power of Board of County Commissioners.

Location of markets.

Power of Board of County Commissioners to acquire property for market places.

The board must maintain public market when.

For whose benefit.

For sale of what produce.

Section 2. The boards of county commissioners within the State of Montana, may, within said period of one year, or at any time thereafter, acquire by purchase, lease, construction or otherwise suitable grounds, buildings and quarters for the establishing, conducting, operating and maintaining of a public market open to the farmers, gardeners and actual producers of farm products within their respective counties; the boards of county commissioners of the counties of the State availing themselves of the provisions of this Act must, as soon as the lands and premises necessary therefor have been acquired, cause to be opened and maintained, at the county seats of their respective counties, in the quarters so acquired, an open public market for the benefit of the farmers, gardeners and actual producers of farm products, for the sale by the producers thereof direct to the consumers of butter, eggs, cheese, meats, vegetables, and all other farm prod-

ucts raised or produced for domestic consumption, wherein the producers thereof within each county may display and offer for sale his or her products direct to the consumers thereof within said counties.

Section 3. In each of the counties of this State wherein the office of County Auditor exists, the county auditor shall be ex-officio the county market master, and in all counties of this State hereinbefore enumerated, and in all other counties which may avail themselves of the provisions of this Act, wherein no office of County Auditor is maintained, the county clerk of such county shall be ex-officio market master, and as such market master shall, under the supervision and approval of the board of county commissioners, make all necessary rules and regulations for the establishment, maintenance, operation and control of the markets established hereunder in the respective counties of the State; and it shall be the duty of such market master to cause the market buildings, grounds and premises to be kept reasonably clean and in proper sanitary condition; to arrange for stalls and spaces in such manner as to best suit the conveniences of both buyers and sellers; to see that the laws in the State of Montana in reference to weights and measures are enforced and observed; to cause order to be preserved during the time such market shall be open and in operation; to prevent and remove obstructions from the market place or grounds; to remove all vagrants, and prevent disorderly conduct, and prevent disorderly persons from loitering in said market buildings, space or grounds during the market hours; to cause all offenses against the laws of the State of Montana in relation to the inspection of foods, the sale of unclean, unwholesome, damaged or spoiled meats, farm products or vegetables, or provisions of any kind, to be prosecuted; to designate proper means of supervising and accounting for the sales therein made, and collecting the commissions hereinafter provided for; and to generally supervise and control the operations of the public markets established under the provisions of this Act.

County Auditor
ex-officio
county market
master.

County Clerk
market master in
what counties.

Duties and pow-
ers of county
market master.

Police duties
of master.

Section 4. Every producer of products availing himself or herself of the use of the market place established under the provisions of this Act shall pay, or cause to be paid, at the close of each day's business, to the market master thereof, a charge of five per centum (5%) of his or her gross sales; and the funds thus collected by the

Five per cent
of gross sales to
be paid to
county.

County market fund, market master shall be turned into the county treasury of the county to the credit of the county market fund, and shall be used by the county treasurer towards the payment of the expenses of operating and maintaining such public market; and every person, firm or corporation availing themselves of the privileges provided hereby who shall fail, neglect or refuse to so pay to the market master of the county market of any county of this State five per centum (5%) of the gross sales by them made within such market shall be guilty of a misdemeanor, and, upon the conviction thereof, shall be fined not less than ten nor more than one hundred dollars, and imprisoned in the county jail until such fine be paid, in the manner provided by law, and shall be forever thereafter disbarred from the privileges afforded by the county markets established at the county seats of every county in the State of Montana.

Failure to pay by users of market place a misdemeanor.

Penalty.

When market shall be open.

Publication of rules and regulations and notice of market days.

Section 5. All county markets established under the provisions of this Act shall be open to the public not less than two (2) days in each week, and the rules and regulations adopted for the government thereof, together with a notice of the market days in each week, shall be published by the county commissioners once in each year in every newspaper printed and published in their respective counties for a period of not less than two (2) successive weeks, the first publication thereof to be made not less than two (2) weeks prior to the opening of the markets established hereunder in each county, and the future annual publications thereof to be made at such time as may be ordered by the boards of county commissioners.

Expense of establishing and maintaining to be paid, how.

Section 6. That the expense of the establishment and maintaining of the markets provided for in this Act shall be paid by the boards of county commissioners from the general funds of the counties, save and except such portions of the expense of operating and maintaining the same as may be derived from the revenues provided for in this Act.

Products not to be purchased for re-sale or speculation.

Section 7. No rules or regulations adopted for the government of any market established under this Act shall permit any person, firm or corporation to purchase the products displayed and offered for sale for the purpose of speculating thereon by again offering the same for sale within such public market place; and the privileges of the markets established under the provisions of

Producers only to sell in county market place.

this Act shall be extended only to the actual producers of the products offered for sale.

Section 8. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. That this Act shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1917.

CHAPTER 29.

“An Act to Prohibit Gambling on Games Played upon Pool and Billiard Tables; to Punish Those Who Participate Therein as well as Those Who Conduct or Carry on Such Games, and to Provide for Early Closing of All Pool Halls, Billiard Halls, Bowling Alleys and Other Places Where Pool or Billiards is Played.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any owner, proprietor, manager, or employee who permits, or any person who carries on, or conducts, or causes to be conducted or runs, as principal, agent or employee, any game of Pea Pool, Pay Pool, Kelly Pool, or any other game of chance, science or skill, played upon any pool table or upon any billiard table, for money, checks, credits, or any representative of value, shall be deemed to be guilty of a misdemeanor and punished as provided in this Act.

Gambling and games of science or skill for money upon pool and billiard tables forbidden.

Section 2. That any person who shall participate as a player in the games prohibited by this Act shall be deemed guilty of a violation thereof and punished as provided in this Act.

Persons participating included.

Section 3. That all pool halls, billiard halls, bowling alleys and other places of business where pool or billiards is played, shall be closed each night in the year at an hour not later than twelve o'clock midnight and shall be kept closed until seven o'clock the following morning, provided, however, that the provisions of this Act shall not extend the hours of keeping open such resorts and places of business which by regulation of law or ordinance are required to be closed at an earlier hour than twelve o'clock midnight.

Pool and billiard halls and bowling alleys to close at twelve o'clock midnight and opened at 7 o'clock A. M.

Hours not to apply in what cases.

Section 4. Every owner, proprietor, manager or employee of a pool or billiard hall who permits a minor under the age of eighteen (18) years to play, resort or

Minors under eighteen not to be permitted to play except when.

stop therein without written consent of parent or guardian, is guilty of a misdemeanor.

Penalty for violation of this Act.

Section 5. That any person who shall violate any of the provisions of this Act shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars or by imprisonment of not more than six months or by both such fine and imprisonment.

Repealing clause.

Section 6. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 7. This Act shall be in full force and effect after its passage and approval.

Approved February 15th, 1917.

CHAPTER 30.

“An Act to Amend Section 1739 Revised Codes of Montana of 1907 Relating to Hours of Labor for Municipalities, Mines, Mills and Smelters.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1739 of the Revised Codes of Montana, of 1907, be amended so as to read as follows:

Hours of labor in public works.

“Section 1739. A period of eight (8) hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county or state government, school districts of the first class, and on all contracts let by them, and for all janitors, engineers, firemen, caretakers, custodians and laborers employed in or about any buildings, works or grounds used or occupied for any purpose by any municipal, county or state government, school districts of the first class, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing or treatment of coal.

Janitors, etc. employed about public buildings, works or grounds.

In mills, smelters and underground mines.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15th, 1917.

CHAPTER 31.

“An Act to Amend Section 2056, Revised Codes of Montana, 1907, Relating to the Furnishing of Medicine or Medical Attendance to the Sick, Poor and Infirm of the County, and to Inmates of County Jails.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2056, Revised Codes of Montana, 1907, be amended to read as follows:

“Section 2056. The Board must annually, at their December meeting, make a contract with some resident practicing physician to furnish medical attendance to the sick, poor and infirm of the county, and to the inmates of the county jail, and must also make provisions for the furnishing of medicine to the same, provided, however, that the Board may let such contract for the furnishing of medical attendance to the physician appointed by such Board as county health officer, and may fix a salary or other rate of compensation to be paid to such county health officer for the furnishing of such medical attendance, which salary or other compensation shall be in addition to the salary of such physician as county health officer.”

Duty of County Commissioners contract for medical attendance for county poor, sick, etc.

Provision for medicine.

County health officer.

Compensation.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15th, 1917.

CHAPTER 32.

“An Act to Create the Eighteenth Judicial District of the State of Montana, to be composed of the Counties of Hill and Blaine, and to Provide and Designate the Powers, Duties, Term and Compensation of the Judge of said Eighteenth Judicial District, and to Provide that the Twelfth Judicial District of the State of Montana Shall Hereafter Embrace the Territory Within the County of Chouteau.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby created a new Judicial District of the State of Montana, to be known as the Eighteenth Judicial District of the State of Montana, and that the same shall embrace and comprise the territory within the counties of Hill and Blaine within the State of Montana, which after the passage of this Act shall constitute the Eighteenth Judicial District of the State.

Eighteenth judicial district created.

Territory embraced.

Section 2. That the Twelfth Judicial District of the

Twelfth judicial district to embrace what territory.

Governor shall appoint judge.

Powers, duties, term and compensation of judge.

Clerks not affected by Act.

Repealing clause.

State of Montana shall hereafter embrace the territory within the County of Chouteau and shall have but one Judge.

Section 3. That within thirty days after the passage and approval of this Act, the Governor of this State shall designate and appoint a Judge of the said Eighteenth Judicial District.

Section 4. That the powers, duties, compensation and term of office of the Judge of the Eighteenth Judicial District shall be the same as those provided by law and the Constitution of the State of Montana for District Judges.

Section 5. The provisions of this Act shall not work the removal of any Clerk of the District Court within Chouteau, Hill or Blaine Counties, nor affect their salaries.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect thirty days after its passage and approval.

Approved February 16th, 1917.

CHAPTER 33.

"An Act to Amend Section 2651 of the Revised Codes of Montana of 1907, Relating to Notice of Application for Tax Deeds."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2651 of the Revised Codes of Montana of 1907 be amended to read as follows:

Notice of application for tax deed to be served how, and at what time.

Contents of notice required.

Right of redemption continues until what time.

"Section 2651. Notice of application for tax deeds.—The purchaser of property sold for delinquent taxes or his assignee, must, thirty days previous to the expiration of the time for redemption, or thirty days before he applies for a deed, serve upon the owner of the property purchased, if known, and upon the person occupying the property, if said property is occupied, a written notice, stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property has the right

of redemption indefinitely until such notice has been given and the said deed applied for, upon the payment of fees, percentages, penalties and costs required by law. In case of unoccupied property, or a mining claim, such notice must be posted in a conspicuous place upon the property, and personally served upon all owners thereof residing in the county where the property is situated, and deposited in the postoffice addressed to any known owner residing outside of said county with the postage thereon prepaid, at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for such tax deed."

Notice may be posted on property and personally served when.

Deposited in post office when.

Section 2. This Act shall take effect upon its passage and approval.

Approved February 15th, 1917.

CHAPTER 34.

"An Act to Amend Section 9812 of the Revised Codes of 1907, of the State of Montana, Relating to Aiding or Abetting or Concealing or Harboring Escapes from the Montana State Industrial School."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9812 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 9812. If any officer or employee of the Montana State Industrial School, or any other person shall contrive, procure, and connive at, or otherwise voluntarily suffer the escape of any inmate of said school, whether actually confined or released on trial or parole, or who after full knowledge that an inmate thereof has escaped therefrom, or being on trial or parole has broken the same, conceal it from the officers of said institution or from any sheriff, constable, marshal or policeman in this State seeking the whereabouts of said escaped inmate or parole violator, or who harbors, conceals, or protects any such escaped person or parole violator, every such person on conviction shall be punished by imprisonment in the State's prison for a period of not less than six months, nor more than two years, and be fined in the sum of not exceeding one thousand dollars."

Assisting inmates of state industrial school to escape.

Concealing the fact that an inmate has escaped.

Harboring or concealing an escaped inmate or parole person. Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and take effect thirty days after its passage and approval.

Approved February 15, 1917.

CHAPTER 35.

“An Act to Provide for an Additional Judge for the Tenth Judicial District of the State of Montana so that there will Hereafter be Two Judges in said District.”

Be it enacted by the Legislative Assembly of the State of Montana:

Tenth judicial district to have two judges.

Chambers of judges to be where.

Governor to appoint an additional judge.

Compensation, powers and duties of judge.

Section 1. That from and after the passage and approval of this Act there shall be two judges in the Tenth Judicial District of the State of Montana, both of whom may have their chambers at Lewistown, the county-seat of Fergus County, Montana.

Section 2. That the Governor shall appoint some fit and qualified person an additional judge of said Tenth Judicial District to hold his office until the first Monday of January, 1919, or until his successor is duly elected and qualified.

Section 3. The compensation, powers and duties of said additional judge, by this Act created, shall be the same as provided by law for district judges.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15th, 1917.

CHAPTER 36.

“An Act Establishing and Defining the Boundary Line Between Dawson County and Rosebud County, State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Boundaries of Dawson and Rosebud counties established.

Boundaries defined.

Section 1. That the boundary line between Dawson County and Rosebud County, State of Montana, is by this Act established, and shall be hereby known as follows:

“Beginning at a point on the West Boundary line of Prairie County, one mile north of the third standard parallel, the same being the northeast corner of Section

36, Township 13, Range 44, thence west, following the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 44, and the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 43, and the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 42 and the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 41, and the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 40, thence north for a distance of one mile to the northeast corner of Section 25, Township 13, Range 39, the same being two miles north of the third standard parallel, thence west on the north line of Sections 25, 26, 27, 28, 29 and 30 in Township 13, Range 39, and the north line of Sections 25, 26, 27, 28, 29 and 30 in Township 13, Range 38, and the north line of Sections 25, 26, 27, 28, 29 and 30 in Township 13, Range 37, and the north line of Sections 25, 26, 27, 28, 29 and 30 in Township 13, Range 36, and the north line of Sections 25, 26, 27, 28, 29 and 30 in Township 13, Range 35, and the north line of Sections 25, 26, 27, 28, 29 and 30 in Township 13, Range 34, thence south to the northeast corner of Section 36, Township 13, Range 33, the same being one mile north of the third standard parallel, thence west, following the north line of Sections 36, 35, 34, 33, 32 and 31, in Township 13, Range 33, and the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 32, and the north line of Sections 36, 35, 34, 33, 32 and 31 in Township 13, Range 31, and the north line of Sections 36, 35 and 34 in Township 13, Range 30, or to a point in the Musselshell River, where said section line intersects said river, the same being a point one mile north of the third standard parallel."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1917.

CHAPTER 37.

A Bill for an Act entitled: "An Act Providing for Service of Process and Notices Upon Domestic and Foreign Corporations, and to Repeal Chapter 22 of the Laws of 1915."

Be it enacted by the Legislative Assembly of the State of Montana.

When service of summons may be served upon a corporation, domestic or foreign, by serving the same upon the Secretary of State.

Section 1. When an action is pending in any court in this State against a corporation organized under the laws of this State, or against a corporation organized under the laws of any other State or Country, that has filed a copy of its charter in the office of the Secretary of State of Montana and qualified to do business in this State, upon any cause of action arising within this State, and the President or other Head, Secretary, Cashier, or Managing Agent of such domestic corporation, or the Business Agent, Cashier, Secretary or Agent appointed to receive service of process by such corporation organized under the laws of any other State or Country or any Clerk, Superintendent, General Agent, Cashier, Principal Director, Ticket Agent, Station Keeper, Managing Agent, or other Agent, having the management, direction or control of any property of any corporation doing business in this State, cannot be found, upon which service of process can be made, and an affidavit is filed in the office of the Clerk of the Court, in which the action is pending, setting forth that an action is pending in that court, and that the plaintiff has a good cause of action upon the merits, and that such corporation is a necessary party therein, and that none of the persons or officers above named can be found within the State, upon whom service of process can be made, the Clerk of the Court shall make an order directing process to be served upon the Secretary of State of the State of Montana, or in his absence from his office, upon the Deputy Secretary of the State of Montana.

What affidavit to contain.

Clerk to enter order when.

When and how service on Secretary of State is to be made.

Fee to be paid Secretary of State.

Duty of the Secretary of State.

Section 2. When such order is made, the Summons and Complaint, together with a copy of such order, shall be served upon the Secretary of State of the State of Montana, or in his absence from his office, upon the Deputy Secretary of State, by delivering to and leaving with him a true copy of the Summons and Complaint, and a copy of such order, and shall likewise pay to the said Secretary a fee of Two Dollars (\$2.00), which shall be covered into the State Treasury by him, and may be taxed as costs by the plaintiff.

Section 3. Upon such service being so made upon the Secretary of State or his Deputy, the said Secretary of State or his Deputy shall promptly mail the copy of Summons and Complaint, and copy of the order, by registered mail to the address of such corporation, at its principal home office, as shown by the papers on file in the office

of the Secretary of State, and shall make out and mail to the Clerk of the Court in which the action is pending, a certificate of such mailing, which shall have attached thereto the registry receipt for such letter.

Section 4. When service is so made, it shall be deemed personal service on such corporation, and the said Secretary of State, or his Deputy, when the Secretary is absent from his office, is hereby appointed Agent of such corporation for service of process in cases hereinbefore mentioned.

Service to be deemed personal service.

Secretary and deputy appointed agent of corporation.

Section 5. When service of process is made, as herein provided, and there is no appearance thereafter made by any attorney for such corporation, service of all other notices required by law to be served in such action may be served upon the Secretary of State.

When other notices may be served on the Secretary of State.

Section 6. Chapter 22 of the Laws of 1915, all Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 7. This law shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1917.

CHAPTER 38.

An Act entitled: "An Act to Amend Section 10 of Chapter 122 of the Session Laws of the Fourteenth Legislative Assembly, Relating to the Registration of Electors."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That Section 10 of Chapter 122 of the Session Laws of the Fourteenth Legislative Assembly be amended to read as follows: Section 10. "All notary publics and Justices of the Peace are designated as Deputy Registrars in the County in which they reside and may register electors residing more than ten miles from the County Court House in any precinct within the County. The County Commissioners shall appoint a Deputy Registrar, other than Notary Publics and Justices of the Peace, for each precinct in the County. Such Deputy Registrar shall be a resident elector in the precinct for which he is appointed and shall register electors in that precinct, and shall receive as compensation for his services the sum of twenty-five cents for each elector registered

Notary Public and Justice of the Peace designated as Deputy Registrars.

May register what electors.

County Commissioners may appoint Deputy Registrar.

Duties and qualifications.

Compensation.

by him. Each Deputy Registrar shall forward by mail within two days, all registration cards filled out by him, to the County Clerk and Recorder.

Repealing clause. SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1917.

CHAPTER 39.

“An Act to Amend Section 8492 of the Revised Codes of Montana, 1907, Relative to the Sale of Carcasses of Animals Affected with an Infectious or Contagious Disease.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. Section 8492 of the Revised Codes of Montana is hereby amended to read as follows:

Sales of carcass
of animals in-
fected with dis-
eases named for-
bidden, except
when.

“Section 8492. It shall be unlawful for any person to sell or offer for sale the carcass or any part of the carcass of an animal having Actinomyces (Big Jaw), Tuberculosis, or any other infectious or contagious disease unless the same shall have been inspected and passed by a representative of the Live Stock Sanitary Board or the United States Bureau of Animal Industry.”

Violation of Act
a misdemeanor.

Section 2. Any person guilty of violating this Act shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine not exceeding Five Hundred Dollars or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment.

Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1917.

CHAPTER 40.

“An Act to Amend Section 7731 of the Revised Codes of 1907 of the State of Montana, Relating to the Payment of Inheritance Tax to County Treasurers and Receipts.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7731 of the Revised Codes of 1907 be and the same is hereby amended so as to read as follows:

Amending clause.

"Section 7731. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property shall be placed in a separate account and within ten days thereafter, he shall obtain an order of the Court before whom the probate proceedings are pending, setting forth the county whereof decedent was a resident at the time of his death and showing the county or counties wherein the real property of decedent is situate, together with the amount thereof and the value of the same, as given by the appraisers of decedent's estate, and ordering such executor, administrator or trustee, to pay unto the several county treasurers of such county or counties such sum or sums so set aside in the following proportion:

Duty of executors, administrators and trustees regarding money retained for paying inheritance taxes.

Order of Court to be obtained.

First: To the County Treasurer of the county whereof decedent was a resident at the time of his death the whole amount of the tax due on the personal property of said decedent;

Inheritance tax on personal property.

Second: To each County Treasurer of the counties wherein decedent owned real property, the tax due on the amount of property situate in such county according to the valuation set upon the same by the appraisers of decedent's estate; immediately after obtaining the aforesaid order such executor, administrator, or trustee shall pay to the county treasurer or treasurers named therein the sum or sums specified in such order, and the payment of said tax to every county treasurer shall be accompanied by a certified copy of such order, and the said county treasurer or treasurers shall give, and every executor, administrator, or trustee shall take duplicate receipts for such payment, one of which said receipts said executor, administrator or trustee shall immediately send to the treasurer of the state whose duty it shall be to charge the County Treasurer so receiving the tax with the amount thereof due the state, and state treasurer shall seal said receipt with the seal of his office, if he have one, and countersign the same, and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator or trustee shall not be entitled to credits in his accounts, nor be discharged from liability

Inheritance tax on real estate to be paid when and where.

Duplicate receipts given on payment.

Duty of State Treasurer.

Executor shall not be discharged or estate distributed until taxes have been paid.

for such tax, nor shall said estate be distributed unless he shall produce a receipt so sealed and countersigned by the state treasurer, or a copy thereof certified by him.

Act to apply to
what estates.

Section 2. This Act shall apply to all estates remaining undistributed at the time this law shall take effect and the tax shall be determined and collected as in other cases.

Repealing clause.

Section 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, as far as they affect the provisions hereof.

Section 4. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 16, 1917.

CHAPTER 41.

“An Act to Authorize and Empower Cities and Towns to Construct, Maintain, Establish and Operate, Within Their Limits, Swimming Pools, Skating Rinks and Play Grounds, to Defray the Cost and Expenses Thereof From Their Park Funds, and to Provide Necessary Rules and Regulations for the Establishment, Maintenance and Use Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Cities and towns
enabled to main-
tain and operate
out-of-door
places of amuse-
ment.

Section 1. That all cities or towns incorporated under the laws of the State of Montana, in addition to other powers conferred upon them, may in their discretion, construct, establish, maintain and operate swimming pools, skating rinks and play grounds within said cities or towns, and to defray the cost and expense of constructing, establishing, maintaining and operating the same from the Park Funds of said city or town.

Maintained out
of what fund.

Power of city
council.

Section 2. Power and authority is hereby granted to the city or town council of all cities and towns incorporated under the laws of the State of Montana to make and pass all by-laws, ordinances, resolutions, rules and orders necessary for the establishment, maintenance, regulation and operation of swimming pools, skating rinks and play grounds constructed and operated within their limits, including the power to establish by ordinance a reasonable and uniform charge for the privilege of using the same.

May establish
uniform charge
for using.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1917.

CHAPTER 42.

“An Act to Amend Section 1600 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Providing for the Method of Selecting, Purchasing, Exchanging, or Selling of School House Sites in School Districts of the Third Class, and Relating to School House Sites in General.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1600 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be amended to read as follows:

“Section 1600. Whenever, in the judgment of the Board of Trustees of any school district of the third class, it is desirable to select, purchase, exchange, or sell a school house site or whenever petitioned so to do by one third of the voters of each district, the District Board shall without delay call a meeting at some convenient time and place fixed by the Board, to vote upon such question of selection, purchase, exchange, or sale of school house site. Such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices giving the time, place and purpose of such meeting shall be posted in three public places in the district by the Clerk at least ten days prior to such meeting. If a majority of the electors of the district voting at said meeting or election shall be in favor of selecting, purchasing, exchanging, or selling the school house site, the Board shall carry out the will of the voters thus expressed; Provided, that any sites so changed cannot again be changed within three years from the date of such action. The school site shall be selected in a place that is convenient, accessible, suitable, and well drained, provided that in districts of the first and second class the site shall be not less than one half of an average city block, and in districts of the third class shall contain not less than one acre. The State Board of Land Commis-

Amending clause.

Duty of school trustees to provide for election to purchase or dispose of school house sites.

How election to be conducted.

Notice to be posted.

Duty of the board when election favors purchase, etc.

Where such shall be situated.

Size of sites.

State Board of
Land Commis-
sioners may sell
or lease site.

sioners shall have authority to sell to any School District at the appraised value or to lease for any period of time less than ninety-nine years, at a rental of One Dollar per year any tract of State land not exceeding ten acres, to be used for school house site.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1917.

CHAPTER 43.

“An Act Regulating the Casing of Oil and Gas Wells, and the Mode of Plugging the Same When Abandoned.”

Be it enacted by the Legislative Assembly of the State of Montana:

Oil and gas wells
to be encased,
when and how.

Section 1. That the owner or operator of any well put down for the purpose of exploring for and producing oil or gas shall, before drilling into the oil or gas-bearing rock, incase the well with good and sufficient wrought-iron oil-well casing, and in such manner as to exclude all surface or fresh water from the lower part of such well, and from penetrating the oil or gas-bearing rock. Should any well be put down through the first into a lower oil or gas-bearing rock, the same shall be cased in such manner as will exclude all fresh or salt water from both upper and lower oil or gas-bearing rocks penetrated.

Wells to be
plugged before
casing is with-
drawn.

Manner of
plugging.

Section 2. The owner of any well, when about to abandon or cease operating the same, for the purpose of excluding all fresh or salt water from penetrating the oil or gas-bearing rock or rocks, and before drawing the casing, shall fill the well with sand or rock sediment to the depth of two feet below the top of each oil or gas-bearing rock, and drive therein a round, seasoned wooden plug at least two feet in length, and in diameter equal to the full diameter of the well below the casing, and immediately upon drawing the casing, shall fill in on top of such plug with sand or rock sediment to the depth of five feet, and again drive into the well a round wooden plug three feet in length, the lower end tapering to a point, and to be of the same diameter at the distance of eighteen inches from the smaller end as the diameter of the well below the point at which it is driven; and after

such plug has been driven, the well shall be filled with sand or rock sediment to the depth of twenty feet.

Section 3. Any owner or operator or person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be fined in the sum of not less than one hundred dollars nor more than five hundred dollars for each and every offense, and for a second violation of any of the provisions of the preceding sections of this Act, shall be fined in a sum of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than six months, or both such fine and imprisonment.

Violation of Act
a misdemeanor.

Penalty.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1917.

CHAPTER 44.

“An Act Dividing the State Into Two Congressional Districts and Amending Section 47, Montana Revised Codes, 1907.”

Be it enacted by the Legislative Assembly of the State of Montana

Section 1. That Section 47 of the Montana Revised Codes, 1907, be amended so as to read as follows:

Section 47. That all that portion of the State of Montana lying west of the east boundary of Flathead, Lewis and Clark, Broadwater, and Gallatin Counties, to-wit: the Counties of Lincoln, Sanders, Mineral, Missoula, Ravalli, Beaverhead, Madison, Silver Bow, Jefferson, Deer Lodge, Granite, Powell, Flathead, Gallatin, Lewis and Clark, and Broadwater shall constitute the First Congressional District of the State; and that all that portion of the State of Montana lying east of the east boundary of Flathead, Lewis and Clark, Broadwater, and Gallatin Counties, to-wit: the Counties of Hill, Blaine, Phillips, Valley, Sheridan, Dawson, Wibaux, Prairie, Richland, Fergus, Chouteau, Cascade, Meagher, Musselshell, Rosebud, Custer, Fallon, Big Horn, Carbon, Yellowstone, Stillwater, Sweet Grass, Park, Toole and Teton, shall constitute the Second Congressional District of the State.

Territory and
boundaries of
the First Con-
gressional Dis-
trict.

Boundaries and
territory of the
Second Congres-
sional District.

New counties to
belong to what
district.

Section 2. Whenever any county is created, comprised partly of the territory of both such Districts, said County shall belong to and become a part of the District to which major portion of the territory of said county belonged and was a part prior to the creation of such new county.

Repealing clause.

Section 3. That all Acts and parts of Acts in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 4. This Act shall be in force from and after its passage and approval and approved by the Governor.
Approved February 19th, 1917.

CHAPTER 45.

“An Act Relating to Liens for Labor and Materials Furnished to Owners of Lease-holds for Oil and Gas Purposes and for Materials and Labor for the Construction of Oil and Gas Pipe-Lines.”

Be it enacted by the Legislative Assembly of the State of Montana:

Material means
and laborers lien
upon gas and oil
lease-hold and
properties and
upon gas and oil
pipe-lines.

Section 1. Any person, corporation or co-partnership who shall under contract, expressed or implied, with the owner of any lease-hold for oil and gas purposes, or the owner of any gas-pipe-line or oil-pipe-line, or with the trustee or agent of such owner, who shall perform labor or furnish material, machinery and oil-well supplies used in the digging, drilling, torpedoeing, completing, operating or repairing of any oil or gas well, or who shall furnish any oil-well supplies or perform any labor in constructing or putting together any of the machinery used in drilling, torpedoeing, operating, completing or repairing of any gas well, shall have a lien upon the whole of such lease-hold or oil pipe-line or gas pipe-line, or lease for oil and gas purposes, the building and appurtenances, and upon the material and supplies so furnished, and upon said oil and gas well for which they were furnished, and upon all the other oil wells, fixtures and appliances used in the operating for oil and gas purposes upon the lease-hold for which said material and supplies were furnished and labor performed. Such lien shall be preferred to all other liens or incumbrances which may attach to or upon said lease-hold for gas and oil purposes and upon any oil pipe-line or gas pipe-line, or such oil and gas wells and the material and machinery so furnished and the

Property to
which lien at-
taches.

Lien shall be a
first and supe-
rior lien.

lease-hold for oil and gas purposes and the fixtures and appliances thereon subsequent to the commencement of or the furnishing or putting up of any such machinery or supplies.

Section 2. Any person, co-partnership, or corporation who shall furnish such machinery or supplies to a sub-contractor under a contractor, or any person who shall perform such labor under a sub-contractor with a contractor, or who as an artisan or day laborer in the employ of such contractor, and who shall perform any such labor, may obtain a lien upon said lease-hold for oil and gas purposes or any gas pipe-line or any oil pipe-line from the same tank and in the same manner and to the same extent as the original contractor for the amount due him for such labor, as provided in Section 1 of this Act.

Lien for supplies furnished or labor performed for a sub-contractor.

Section 3. The liens herein created shall be enforced in the same manner, and notice of the same shall be given in the same manner, and the material-man's statement or the lien of any laborer herein mentioned shall be filed in the same manner as now provided by the laws of Montana for material-man's and mechanic's liens, and the method of procedure provided by the laws of the State of Montana for enforcing of material-man's and mechanic's liens, shall be governed by the laws of the State of Montana, as now in force, or as may be hereafter enacted.

Manner of perfecting and enforcing liens.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19th, 1917.

CHAPTER 46.

"An Act Making the Head Janitor at the State Capitol Custodian of All State Property at the State Capitol; Providing For the Appointment of the Head Janitor and Fixing His Powers and Duties and Salary, and Repealing Section 157, Article 5, Chapter 3, of the Political Code of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The head janitor at the State Capitol shall be custodian of all State property at the State Capitol.

Appointment and salary of custodian of capitol.

Said head janitor and custodian shall be appointed by the Governor and shall receive a salary of Two-Thousand (\$2,000.00) Dollars per year.

Duty of custodian in caring for state capitol.

Section 2. It shall be the duty of the Custodian of the State Capitol to supervise and direct the work of caring for and maintaining the State Capitol, its buildings, equipment and grounds under the direction of the State Board of Examiners.

Duties and powers concerning janitors and other employes.

Section 3. It shall be the duty of the Custodian of the State Capitol to nominate and recommend for employment or dismissal and he shall have charge of and supervision over all engineers, firemen, assistants, janitors, watchmen, guards and all other laborers and employes that may be necessary in maintaining, cleaning and caring for the State Capitol, its buildings, equipment and grounds.

Duties in caring for property.

Section 4. It shall be the duty of the Custodian of the State Capitol to have charge of and keep clean and in good repair all buildings, furniture, fixtures, equipment and all other property, of whatever kind and character, belonging to the State of Montana at the State Capitol, and to recommend to the proper board such repairs, replacements, renewals or additions to the said buildings, equipment and other property as may seem necessary or desirable and he shall permit the occupancy and use of such buildings, equipment and other property, only as prescribed by law or as directed, upon requisition issued, by the State Board of Examiners; to make on the 31st day of December, of each year, a report to the Governor of the Affairs of the Custodian's Office, which report, among other items, shall contain a full, complete and true account of all persons employed by him or under his direction, the purposes for which employed, length of time served and the compensation paid to each of such employes, a full, complete and true statement of all fuel, water and electric current consumed in heating, watering and lighting the Capitol Buildings and grounds and the amount paid for each of such items; to make and keep a true, correct, complete and continuing inventory of all property, equipment or supplies belonging to the State at the State Capitol, checking the same in or out as the case may be, when receiving or surrendering such property, equipment or supplies, and he shall be held liable for its safe keeping and return, and to do all such other acts and things, that to him may

Annual report to the governor.

Contents of report.

Accounts to be kept.

seem necessary or desirable, to properly conserve and protect the best interests of the State, in carrying into effect the provisions of this Act.

Section 5. The Custodian of the State Capitol shall be appointed for a term of four years, unless such appointment be sooner revoked by the Governor. Term of office.

Section 6. The Custodian of the State Capitol must execute an official bond in the sum of Five Thousand (\$5,000.00) Dollars conditioned on the faithful performance of his duties and trust. Bond.

Section 7. The office of head janitor of the State Capitol building is hereby abolished and the duties heretofore performed by said Head Janitor shall hereafter be performed by the Custodian of the State Capitol. Office of head janitor abolished.

Section 8. That Section 157, Article 5, Chapter 3, of the political code of the State of Montana, be, and the same is hereby repealed. Repealing clause.

Section 9. All Acts and parts of Acts in conflict herewith although not herein specifically set forth, are hereby repealed.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1917.

CHAPTER 47.

An Act to Amend Sections 6449 and 6450 of the Revised Codes of the State of Montana of 1907, relating to the time of commencing actions other than for the recovery of real estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6449 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended to read as follows:

“Section 6449. Within two years:

1. An action upon a liability created by statute other than a penalty of forfeiture.

2. An action for waste or trespass on real or personal property; Provided that, when the waste or trespass is committed by reason of underground work upon any mining claim, the cause of action shall not be deemed to have accrued, until the discovery by the aggrieved party of the facts constituting such waste or trespass.

Actions which must be commenced within two years.

3. An action for taking, detaining or injuring any goods or chattels including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

5. An action for killing or injuring stock by a railroad corporation or company."

Section 2. That Section 6450 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended to read as follows:

"Section 6450. Within one year:

Actions which must be commenced within one year.

1. An action against a sheriff, or other officer, for the escape of a prisoner, arrested or imprisoned on civil process.

2. An action against a municipal corporation for damages or injuries to property caused by a mob or riot; or by a municipal corporation for the violation of any city or town ordinance.

3. An action against an officer or officer de facto, to recover any goods, wares, merchandise or other property, seized by any such officer in his official capacity as tax collector, or to recover the price or value of any goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention, sale of, or injury to any goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making any such seizure."

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1917.

CHAPTER 48.

"An Act to Prohibit Any Person From Knowingly Buying, Selling, Receiving, Disposing of or Concealing, or Having in His Possession, Any Automobile, Motor Car or Motor Vehicle From Which the Manufacturer's Serial Number, or any Other Distinguishing Number or Identification Mark Has Been Removed, Defaced, Covered, Altered or Destroyed, for the Purpose of Concealment or Misrepresenting the Identity of Such Automobile, Motor Car or Motor Vehicle, and Provid-

ing Punishment for the Violation of the Provisions Hereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person within this State is hereby prohibited from knowingly buying, selling, receiving, disposing of or concealing, or having in his possession, any automobile, motor car or motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, for the purpose of concealment or misrepresenting the identity of said automobile, motor car or motor vehicle.

Buying, owning and disposing of motor vehicle from which manufacturers or other distinguishing number has been removed, prohibited.

Section 2. Any person violating the provisions of Section 1 of this Act, and any person who shall knowingly buy, sell, receive, dispose of or conceal, or have in his possession, any automobile, motor car or motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, for the purpose of concealment or misrepresenting the identity of said automobile, motor car or motor vehicle, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than Two Hundred Dollars, or imprisonment not more than six months, or by both such fine and imprisonment.

Violation of Act a misdemeanor.

Section 3. This Act shall take effect from and after the date of its passage and approval.

Penalty.

Approved February 19, 1917.

CHAPTER 49.

"An Act Authorizing Cities and Towns to Regulate Motor Vehicles and to Prescribe Penalties for Violation of Such Regulations."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Council of any incorporated city or town shall have power by ordinance, to regulate motor vehicles and their speed within the limits of such city or town and to prescribe and enforce fines and penalties for violation of such regulations.

City and town council may regulate motor vehicles and their speed.

Section 2. The term "Motor Vehicles" as used in this Act, except where otherwise expressly provided, shall

Motor vehicles defined.

include all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons and engines, fire department vehicles, and police patrol wagons.

Repealing clause. Section 3. All Acts and parts of Acts in conflict with any of the provisions hereof are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved: February 21, 1917.

CHAPTER 50.

“An Act to Repeal Section 9 of Chapter 73 of the Laws of the Thirteenth Legislative Assembly, Concerning the Regulation of Motor Vehicles by Local Authorities.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9 of Chapter 73 of the Laws of the Thirteenth Legislative Assembly of the State of Montana be, and the same is hereby, repealed.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved February 21, 1917.

CHAPTER 51.

“An Act to Consolidate the Board of Stock Commissioners and the Board of Sheep Commissioners, and to create a board to be known as the Live Stock Commission, and to provide for the appointment and qualification of its members and prescribe their duties, and creating a fund to be known as the Live Stock Commission Fund, and to repeal Sections 1782, 1783, 1784, 1785, 1786, 1787, 1788 and 1789 of the Revised Codes of Montana of 1907, relating to the Board of Stock Commissioners, and Sections 1854, 1855, 1856, 1857, 1858, 1859, 1860 and 1861 of the Revised Codes of Montana of 1907, relating to the appointment and duties of the Board of Sheep Commissioners.”

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. Upon the passage and approval of this Act, the Board of Stock Commissioners and the Board of

Consolidation of
Boards of Stock
Commissioners
and Board of
Sheep Commis-
sioners.

Sheep Commissioners shall be consolidated, and their powers and duties, except as herein modified, shall be exercised by a Board to be known as the Live Stock Commission, which said Board is hereby created, to be composed of **six members**, each of whom must be, at the time of **his appointment**, a resident of the State of Montana and the owner of cattle, sheep, or horses in the said State. The Governor is hereby authorized and empowered to appoint, by and with the consent of the Senate, the members of the said Live Stock Commission. Upon the approval of this Act, the Governor shall appoint two members of the said Live Stock Commission to hold office for a term of two years; and two members to hold office for a term of four years; and two members to hold office for a term of six years, from and after the 1st day of March, 1917, respectively, and thereafter the members of the said Live Stock Commission so appointed by the Governor shall hold office for the term of six years from and after the appointment and until their successors are appointed and qualified. In the case of death, resignation or removal of a member, the Governor shall appoint to fill the vacancy thus occasioned. Each of the members before entering upon his duties must take and file with the Secretary of State the constitutional oath of office.

Section 2. The members of the Live Stock Commission shall receive no compensation for their services, but shall be allowed their actual expenses for and while attending meetings, such expenses to be audited, allowed and paid as in the case of other expenditures of the said Commission.

Section 3. The Commission shall organize by electing one of its members President and one of its members Vice-President. It shall also have power to appoint a Secretary and fix his salary, and appoint such other agents and employees as may be necessary for the proper conduct of the business of the Commission. They shall have power to adopt, subject to the approval of the Governor, by-laws and rules and regulations for the government and conduct of the business of the Commission. The Secretary shall be the General Recorder of Marks and Brands.

Section 4. It shall be the duty of the Live Stock Commission to exercise general supervision over and, so far as possible, protect the live stock interests of the State

Duties and powers to be exercised by Live Stock Commission.

Members of Board of Live Stock Commission.

Qualifications.

Governor to appoint board.

Term of office of members.

Vacancies in board to be filled how.

Official oath

No salary allowed.

Expenses, how allowed.

Organization of Board.

Appointment of a Secretary, and other employees and fixing their compensation.

By-laws, rules and regulations.

Secretary to be General Recorder of Marks and Brands.

Duties and powers of commission.

from theft and disease, and recommend from time to time such legislation as will in the judgment of the Commission, foster this industry. The Commission shall have power to procure all necessary and lawful process for the attendance of witnesses and to employ counsel to assist in the prosecution of violations of laws made for the protection of the live stock interests, and to assist in any lawful way in the prosecution of any persons charged with any offenses against the laws of the State in feloniously branding or stealing live stock, or any other crime or misdemeanor under any of the laws of the State for the protection of the rights and interests of the stock owners. It shall also have power to make rules and regulations governing the recording and use of live stock brands.

Commission to audit and certify all bills of expenses incurred by it.

Duty of State Auditor.

Money to be placed in Live Stock Commission Fund.

Section 5. It shall be the duty of the Live Stock Commission to audit all bills for expenses incurred by it in the discharge of its duties, and when found correct, to certify the same to the State Auditor, who shall thereupon draw a warrant upon the State Treasurer in favor of the party or parties entitled thereto for the amount so certified, which warrants shall be drawn upon and paid out of the Live Stock Commission Fund, which said fund shall be created by placing to its credit the amounts heretofore directed to be placed to the credit of the Sheep Inspection and Indemnity Fund and the Stock Inspection and Detective Fund, by Section 4 of the Act approved March 8th, 1915, being Chapter 127 of the Laws of Montana of the 14th Legislative Assembly, 1915, entitled: "An Act for the levying of a tax on live stock for the purpose of aiding in the payment of salaries and expenses of the Board of Stock Commissioners, the Board of Sheep Commissioners and the Live Stock Sanitary Board and for the payment of indemnity for animals slaughtered and of expenses in investigating and suppressing diseases and for the payment of bounties on wild animals and repealing Chapter 49 of the Session Laws of the Twelfth Legislative Assembly, relating to the levying of a tax for the payment of bounties, stock inspection and indemnity purposes, "and other funds hereafter appropriated for the support and maintenance of the said Commission.

Annual report of commission.

Section 6. The Commission must make an annual report in writing to the Governor on the first day of December of all its transactions for the year.

Section 7. Sections 1782, 1783, 1784, 1785, 1786, 1787, 1788 and 1789 of the Revised Codes of Montana of 1907, relating to the Board of Stock Commissioners, and Sections 1854, 1855, 1856, 1857, 1858, 1859, 1860 and 1861 of the Revised Codes of Montana of 1907, relating to the Board of Sheep Commissioners, and all other Acts or parts of Acts in conflict herewith, are hereby repealed; Repealing clause.
 Provided, however, that all powers conferred and duties imposed upon the Board of Stock Commissioners and the Board of Sheep Commissioners by statutes other than those in this section mentioned shall be hereafter imposed and conferred upon and exercised by the Live Stock Commission created hereby. Proviso.

Section 8. This Act shall take effect and be in force from and after its passage and approval.

Approved February 22, 1917.

CHAPTER 52.

“An Act to require Railroad or Railway Companies to clean and cooper box cars placed for loading grain or other commodities subject to loss by leakage, and providing a penalty for the non-compliance with the provisions of this Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That hereafter all box cars furnished by railroad or railway companies, for the transportation of grain or other commodities in bulk, shall be of such construction and in such order as to prevent leakage when such commodities are placed or hauled therein; and it is hereby made the duty of all railroad or railway companies to furnish such cars in such condition. Duty of railroads to put box cars furnished for shipping grain in proper condition.

Section II. Whenever box cars placed for loading grain or other commodities in bulk are found to be in such condition that they will not afford safe transportation for such commodities, the railroad or railway company shall, upon written complaint to the agent or other person in authority, by the shipper or his representative, who proposes to load said car or cars, within twenty-four (24) hours, cause said car or cars to be properly cleaned and coopered and put in such repair as will afford safe transportation for the commodity to be shipped. Duty of railroad, after notice, to place cars in condition within twenty-four hours.

When railroad shall pay for placing cars in condition.

Section III. In case such railroad or railway company shall fail within twenty-four (24) hours after written complaint has been made by the shipper or his representative, to clean and safely cooper such car or cars, then such shipper or his representative shall have authority to enter upon such car or cars and properly and safely cooper and clean the same; and said railroad or railway company shall pay for the labor expended in such repairs at the rate of Three Dollars (\$3.00) per eight (8) hour day, and the actual cost of material used, providing that such charge shall in no case exceed five (\$5.00) dollars for each car so coopered.

Repairs may be made by shipper without notice, when.

Section IV. In case any car or cars are placed at a station or siding where there is no representative of said railroad or railway company upon whom complaint may be served, then and in such case the shipper or his representative may at once enter upon the said car or cars and clean and make such repairs as are necessary, and shall be paid for the labor and material expended, as provided in Section Three of this Act.

Demurrage not to accrue, when.

Section V. It is further provided that no demurrage shall accrue or be collected for the time elapsing while such car or cars are being repaired or cleaned or coopered in accordance herewith.

Cost of placing cars in condition may be recovered how.

Section VI. Any person making the repairs upon or cleaning or coopering the cars of any railroad or railway company, as herein provided, may recover the amounts expended therefor in an action at law, upon the refusal of the railroad or railway company to reimburse him.

Duty of railroad commission.

Section VII. It is hereby made the duty of the Railroad Commission of the State of Montana to enforce the provisions of this Act.

Repealing clause.

Section VIII. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section IX. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 22, 1917.

CHAPTER 53.

"An Act to Provide for the Preservation, Collections and Publications of Historical Facts of the Early Settlement of the State of Montana."

WHEREAS, there exists no method of preserving the records of the many valuable facts and events, which transpired during the early settlement and development of the State of Montana; and,

WHEREAS, it is desirable that these historical facts and events should be collected and preserved for the benefit of the future generations of Montana by one whose active participation therein has especially qualified him to perform this important task; and,

WHEREAS, Hon. Granville Stuart by reason of his studious, methodical and painstaking life in the State of Montana is in possession of private records of the many important happenings of our early history, and is well fitted to render to the State of Montana most valuable services of this character.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Granville Stuart be and is hereby appointed as Historian of the State of Montana for a period of two years, at an annual salary of Three Thousand Dollars, payable monthly in the same manner as other State Officers. It shall be his duty to collect and prepare all the records of the events and facts of Montana history beginning with its early settlement, from such sources as may be available, in manuscript form suitable for publication, that all manuscript when prepared shall as often as desirable be submitted to the Historical Society of Montana for their approval.

Granville Stuart
appointed State
Historian.
Salary.

Duty of His-
torian.

Manuscript to be
submitted to
Historical society
of Montana.

Section 2. That after the Historical Society of Montana shall have approved, the manuscript herein provided for, the State Board of Examiners shall cause to be printed 3000 copies of said manuscript in book form and shall offer the same for sale at such price as may be agreed upon by the State Board of Examiners and Granville Stuart.

Publication of
manuscripts.

Sale of book.

That the proceeds from the sale of said books shall be disposed of in the following manner by the State Board of Examiners:

Disposition of
proceeds of sale.

First. To re-imburse the State of Montana for the cost of printing such book.

Second. The remainder in the event of any excess to be paid to Granville Stuart and in the event of his death to his widow.

Section 3. The said Granville Stuart is hereby authorized and empowered to employ a Secretary at a salary

Historian auth-
orized to employ
a Secretary.

Salary and duties
of Secretary.

not to exceed One Hundred and Twenty-five Dollars per month. Said Secretary shall be paid by the State Board of Examiners in the same manner as other State Officers. Said Secretary shall perform such services in connection with the preparation of such historical data as may be required of him.

Appropriation.

Section 4. That the sum of nine thousand dollars or so much thereof as may be necessary is hereby appropriated out of the general fund of the State of Montana, not otherwise appropriated, to carry out the provisions of this Act.

Section 5. This Act shall take effect from and after its passage and approval.

Approved February 22, 1917.

CHAPTER 54.

“An Act to change the name of the Montana Grain Laboratory, to enlarge the duties of the laboratory and of the director thereof and to make an appropriation for the maintenance of the added duties of the laboratory, and providing for licensing of grain dealers and public warehousemen.”

Be it enacted by the Legislative Assembly of the State of Montana:

Name of Montana Grain Laboratory changed to Montana Grain Inspection Laboratory.

Section 1. The name of the Montana Grain Laboratory as established at the Montana Agricultural Experiment Station is hereby changed to the Montana Grain Inspection Laboratory.

Tests of grain samples to be made and dockage determined.

Section 2. Purpose—In addition to the duties already prescribed by law this Laboratory shall make thorough and complete tests, on grain samples sent in by citizens of the state of Montana and collected by the officials of the Laboratory, in order to establish the true grade of such samples and the true amount of dockage contained therein. In the case of wheat samples sent in for grade and dockage tests, the Laboratory shall determine the amount and quality of the gluten present, the percentage of moisture and shall make such other determinations as shall be necessary to accurately show the quality and grade of the grain in sample.

Tests of wheat samples.

Reports of tests.

Section 3. Reports—Reports shall be made to those sending samples for grade and dockage determinations as soon as the tests have been completed and the grade

and dockage determined. At the close of each Laboratory year there shall be published a report of the work of the year showing the names of persons from whom samples were received, the kind of grain, the results of the tests conducted, and the grade and dockage as established for each sample tested during the year. The report shall contain such other material as the officials of the Montana Grain Inspection Laboratory may deem relevant and important. Copies of this report shall be sent without charge to citizens of the state who may request them.

Annual report to show what.

Section 4. Any citizen of the State of Montana by conforming to the regulations prescribed by the officials of the Montana Grain Inspection Laboratory, by prepaying postage and transportation charges on samples, and by paying any fee which may hereafter be prescribed by the proper authorities, may send grain samples to the Montana Grain Inspection Laboratory. The true grade or the proper amount of dockage as requested by the sender shall be determined and reported to the sender. Whenever the buyer and seller of any lot of grain cannot agree upon the proper grade or dockage of the same, either party may demand that a sample of such grain be sent to the State Grain Inspector. Such sample shall be taken in the presence of both parties in interest and shall be sealed and forwarded in the manner required by the inspector. The grade and dockage fixed by the Inspector on such grain shall be binding upon both parties and any balance due either party shall be determined according to the grade and dockage fixed by said Inspector. Provided, however, that in the case of a bona fide sale of such lot of grain at a terminal market outside the State, that the grade and dockage fixed at such terminal market shall not be disturbed, and any balance due between the parties shall be determined according to the grade and dockage that shall have been fixed at such sale.

Who may send samples to be tested.

Grade and dockage to be tested.

When buyer and seller may have test made.

How sample to be taken.

Test to be binding on both parties.

Proviso concerning sales outside of state.

Section 5. The Director of the Montana Grain Inspection Laboratory shall be the State Grain Inspector of Montana. He shall personally or through properly qualified agents or deputies whom he may and is hereby authorized to employ, conduct the tests necessary to properly establish and report the true grade as to quality and dockage on samples of grain received by the Montana Grain Inspection Laboratory. He shall have

The Director of Laboratory shall be the State Grain Inspector.

Qualifications and power to employ agents or deputies.

Expenses which he may incur.

The State Grain Inspector may make rules and regulations for conducting the laboratory.

Other duties.

Fees for tests.

Official grain standards established.

License for grain buyers.

Classification of grain buyers.

Grain dealers.

Public warehouseman.

Track buyers.

Duty of Commissioner of Agriculture and Publicity to issue license, to whom.

authority to incur expenditures for Laboratory equipment and supplies, salaries of assistants, wages for labor, express, postage, traveling expenses, and other expenses which he may deem necessary in properly carrying on the work of the Laboratory, within the limits of the income provided. The State Grain Inspector as named in this Act shall make, prescribe and announce rules and regulations for the conduct of the Montana Grain Inspection Laboratory. He shall determine the methods which shall be followed in taking the samples when such samples are to represent quantities of grain in bulk. He shall further prescribe the methods which shall be followed in preparing the samples for shipment to the Laboratory. He shall determine the fees to be charged for tests conducted, and it is hereby specifically provided that in no case shall the fee for complete tests on any individual sample exceed one dollar. The State Grain Inspector named in this Act shall be authorized to make such further rules and regulations for the conduct of the Laboratory as he shall deem necessary from time to time.

Section 6. Establishment of Grades—The official grain standards of the United States as announced by the Secretary of Agriculture under the United States Grain Standards Act for the districts which include Montana shall be recognized as the official grain standards of Montana.

Section 7. Each person, firm, association, or corporation engaged in the business of buying grain for shipment in carload lots, or for milling, shall be required to be licensed by the State, and all such grain buyers shall be classified as follows; those operating warehouses (not public warehouses) to be known as grain dealers, and to be licensed as such; those operating public warehouses to be known as public warehousemen, and to be licensed as such; those operating neither warehouse nor public warehouse to be known as track buyers, and licensed as such.

Section 8. It shall be the duty of the Commissioner of Agriculture and Publicity, to issue licenses upon receipt of application in proper form,—one grain dealer's license for each warehouse for which application is made; one public warehouseman's license for each public warehouse for which application is made and bond filed, as provided for by law; one track buyer's license upon each application when bond is filed as provided for. All li-

censes shall give authority to carry on and conduct the businesses of grain dealer, public warehouseman or track buyer,—as the case may be,—in accordance with the laws of the State, and shall be revocable by the Commissioner of Agriculture and Publicity, after approval of his decision by the Attorney General upon complaint being made in writing, setting forth the particular violation of the law, and upon due notice and hearing and sufficient proof. Violation of this Act, or of the laws of the State, or of the rules and regulations of the department, will be considered sufficient cause for the revoking of licenses. The Commissioner of Agriculture and Publicity may refuse to issue licenses to any person or concern whose licenses have once been revoked.

Licenses shall give what authority.

License revocable when.

What sufficient cause for revoking license.

May refuse to issue license to whom.

Section 9. Foundation Maintenance—There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, for the establishment and maintenance of the Montana Grain Inspection Laboratory the sum of Two Thousand Five Hundred (\$2,500.00) Dollars for the year ending March first, 1918 and Two Thousand Five Hundred (\$2,500.00) Dollars for the year ending March first, 1919. All fees collected by the Montana Grain Inspection Laboratory for the tests conducted shall be deposited in a fund in charge of the State Grain Inspector as named in this Act to be used in the support of the Laboratory. A full report of the expenditures of the Laboratory with a statement of the source of the income, whether from state appropriations or from fees collected, shall be made a part of the annual report. Any surplus remaining at the close of the state's biennium shall be turned over to the State Treasurer and shall revert to the general fund of the state.

Appropriation.

Disposition of fees collected.

Annual report of State Grain Inspector to also include, what.

Surplus at end of biennial period.

Section 10. All Acts and Parts of Acts in Conflict herewith are hereby repealed.

Repealing clause.

Section 11. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 22, 1917.

CHAPTER 55.

A Bill for an Act Entitled: "An Act to create the County of Wheatland, Designate its Boundaries, and Provide for Its Organization and Government, and to

Change the Boundaries of Meagher and Sweet Grass Counties to Conform Thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Wheatland
county.

Section 1: That all that portion of the State of Montana, embraced within the following boundaries, shall be known as, and shall be Wheatland County, in the State of Montana, to-wit:

Boundaries.

Beginning at the point where the boundary line between Ranges Eleven (11) and Twelve (12) East, Montana Meridian, intersects the northern boundary line of Meagher County, Montana; thence southward along the said boundary line between the said Ranges Eleven and Twelve to the southwest corner of Township Nine (9) North, Range Twelve (12) East, Montana Meridian; thence westward along the correction line as established by the official survey of the United States, to the northwest corner of Township Eight (8) North, Range Twelve (12) East, Montana Meridian; thence southward along the boundary line between said Ranges Eleven and Twelve as corrected by the said official survey of the United States to the southeast corner of Township Six (6) North, Range Eleven (11) East; thence eastward along the southern boundary line to Township numbered Six (6) North in Ranges Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), all east of Montana Meridian, to the southeast corner of Township Six (6) North, Range Eighteen (18) East, Montana Meridian; thence north along the boundary line between Ranges Eighteen (18) and Nineteen (19) East, Montana Meridian, to the Northeast corner of township Eight (8) North, Range Eighteen (18) East, Montana Meridian; thence eastward along the correction line as established by the official survey of the United States, to the southeast corner of Township Nine (9) North, Range Eighteen (18) East, Montana Meridian; thence north along the boundary line between Ranges Eighteen (18) and Nineteen (19) East, Montana Meridian, as corrected by the said official survey of the United States, to the northeast corner of Section Twenty-five (25), Township Eleven (11) North, Range Eighteen (18) East, Montana Meridian; thence westward along the boundary line between Fergus County and Meagher County, to the point of beginning.

Section 2: That for judicial purposes the said County of Wheatland shall be attached to and become a part of the Fourteenth Judicial District of the State of Montana.

Attached to the fourteenth judicial District.

Section 3: That the City of Harlowton, situate within the boundaries above mentioned, shall be the county seat of the said County of Wheatland, until the county seat shall be designated, as hereinafter provided. But, for the purpose of definitely fixing and creating the county seat of the County hereby created, the Board of County Commissioners of Wheatland County shall cause to be inserted in the official ballots, when printed for the general election to be held the first Tuesday after the first Monday in November, A. D. 1918, at the foot of the names of the candidates or nominees thereon: "For the County Seat of Wheatland County " and the electors, when voting at the said general election at the time hereinbefore mentioned, shall declare their vote upon said proposition by inserting in the blank space upon their ballots herein provided for, the name of some incorporated town within the said County of Wheatland, and when the name of a town or city shall be so inserted in this space by an elector, and the ballots have been cast, as provided by law, the name shall be deemed a vote for the designated town or city, as the place of the permanent county seat of Wheatland County, and upon a canvass of the said ballots, the town or city having the highest number of ballots, shall be declared by the canvassing board the county seat of Wheatland County; which result shall be entered in the office of the County Clerk and Recorded of said Wheatland County, and from the date of said declaration of result, the town or city selected shall be and remain, until lawfully changed, the county seat of Wheatland county. All laws of a general nature, applicable to the several Counties of the State of Montana, and officers thereof, shall be and are hereby made applicable to the said County of Wheatland, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act. Provided, that no discrepancy or error in the spelling of any name of any town or city to be voted on for the county seat of said County of Wheatland, shall be considered where the judges of said election are satisfied from said spelling of the intention of the elector so voting for such county seat.

Harlowton the temporary county seat.

Permanent county seat to be chosen, when and how.

Ballot.

Name of choice to be inserted.

What laws applicable to Wheatland county.

Discrepancy in spelling of name of town in ballot.

Board of County Commissioners to meet and organize, when and how.

Section 4: It shall be the duty of the persons herein after appointed to the office of County Commissioners of said County of Wheatland by this Act, to meet at the town of Harlowton in said County of Wheatland within fifteen (15) days after the passage and approval of this Act, and then and there organized as a Board of County Commissioners, by electing one of their number as Chairman.

Apportionment of indebtedness of Meagher County.

Section 5: That all the indebtedness of Meagher County, as the same shall exist on the first day of January, 1917, shall be apportioned between the County of Meagher and the County of Wheatland by first deducting from said indebtedness the amount of all moneys on hand, and the amount of all moneys belonging to the said Meagher County and also deducting the value of all real and personal property within or belonging to said Meagher County on the first day of January, 1917, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Meagher County, and the taxable property in Wheatland County, and heretofore within the boundaries of Meagher County; said amount of taxable property to be ascertained and said apportionment and valuation of the county property to be made by a commission consisting of the Boards of County Commissioners of Meagher County and Wheatland County and the Judge of the Fourteenth Judicial District of the State of Montana, which said commission shall meet at the Court House in the town of White Sulphur Springs on the first Monday in April, 1917, and shall take as a standard for said apportionment of indebtedness the assessment of the year 1916 as determined by the board of equalization of said Meagher county.

Commission to fix valuation and make apportionment.

Apportionment of indebtedness of Sweet Grass county.

Section 6: That all the indebtedness of Sweet Grass County, as the same shall exist on the first day of January, 1917, shall be apportioned between the County of Sweet Grass and the County of Wheatland by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to the said Sweet Grass County and also deducting the value of all real and personal property within or belonging to said Sweet Grass County on the first day of January, 1917, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Sweet Grass

How made.

County and the taxable property in Wheatland County, and heretofore within the boundaries of Sweet Grass County; said amount of taxable property to be ascertained, and said apportionment and valuation of county property to be made by a commission consisting of the Boards of the County Commissioners of Sweet Grass and Wheatland County and the Judge of the Sixth Judicial District of the State of Montana, which said commission shall meet at the Court House in the town of Big Timber on the second Monday in April, 1917, and shall take as a standard for said apportionment the assessment for the year 1916, as determined by the board of equalization of said Sweet Grass County.

Section 7: That the treasurers of the said counties of Meagher and Sweet Grass shall at the time of the adjustment, as provided in Sections 5 and 6 of this Act, make out and transmit to the county commissioners of Wheatland County, a list of all delinquent taxes and amounts of uncollected taxes within the limits of Wheatland County as above defined, provided, that no delinquent taxes due the Counties of Meagher or Sweet Grass shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duties of the treasurers of Meagher and Sweet Grass Counties to collect such delinquent taxes as shall be due said county and to turn over within thirty days after making such collection to the treasurer of Wheatland County a pro rata share of such taxes as he may be able to collect.

Duties of County Treasurers of Meagher and Sweet Grass counties regarding lists of delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the treasurers of Meagher and Sweet Grass Counties after the adjustment hereinbefore provided, said surplus shall be divided between the respective counties of Meagher and Wheatland and Sweet Grass and Wheatland, in the same manner as herein provided for dividing the indebtedness.

Division of surplus funds in county treasuries of Meagher and Sweet Grass counties.

Section 8: That upon the adjustment of said indebtedness, it shall be the duties of the County Commissioners of Wheatland County, to cause to be made out, issued and delivered to the County Commissioners of Meagher and Sweet Grass Counties, warrants for any amounts found due said county, which warrants upon presentation shall be endorsed by the treasurer of Wheatland County, "Not paid for want of funds," and shall therefore draw interest as other county warrants.

Warrants to be issued by county commissioners of Wheatland county.

Authority of
county commis-
sioners of
Wheatland
county to issue
warrants in pay-
ing indebtedness.

Section 9: The County Commissioners of the County of Wheatland for the purpose of paying any of the indebtedness which may be incurred, by reason of assuming any of the indebtedness of the Counties of Meagher and Sweet Grass, are hereby authorized and empowered to cause to be issued, and to sell at not less than par the bonds of the said County of Wheatland in an amount to said indebtedness so incurred, in the manner provided by law for the issuing and sale of county bonds.

School district
moneys.

Section 10: It is hereby made the duty of the County Treasurer of the Counties of Meagher and Sweet Grass to transfer and pay over on or before the first day of August, 1917, all moneys in said counties of Meagher and Sweet Grass to the credit of school districts embraced within the limits of said County of Wheatland as may have been hereby taken from the said Counties of Meagher and Sweet Grass, which said moneys so transferred shall be held by the said County of Wheatland to the credit and for the use of the same school districts as they formerly existed.

Contract for
transcribing and
indexing records.

Section 11: That the said County Commissioners of Wheatland County are hereby empowered and it shall be their duty to contract with the lowest responsible bidder, for transcribing and indexing the records of property lying and being within the limits of the County of Wheatland and all other public records which the County Commissioners shall deem necessary to be transcribed, which transcript, when compiled, shall be compared with the original records by the County Clerks of Meagher and Sweet Grass Counties, and when corrected shall be by him so certified under his official seal and thereafter the records so transcribed and certified shall be received and admitted in evidence in all the courts of law in the State and be in all respects entitled to like faith and credit as said original records.

Record tran-
scripts to be
compared and
certified.

Compensation to
be paid county
clerks for com-
paring and cer-
tifying records.

The County Clerks of the Counties of Meagher and Sweet Grass shall receive for the services in comparing and certifying to the correctness of the copy of said records, Five Dollars (\$5.00) per day while engaged in said labor, which amount shall be paid by the County of Wheatland on the completion of said labor.

Certain pending
actions to be
transferred to
Wheatland
county.

Section 12: All actions pending in the District Court of the old county or counties for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate

lying in the County of Wheatland, shall on motion of any party thereto, be transferred to the District Court to which the County of Wheatland is attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the County of Wheatland. All other actions or special proceedings pending in the District Court of said old county or counties, on motion of any party interested therein, shall be transferred to the District Court of the said County of Wheatland, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the said County of Wheatland.

Section 13: The following named persons are hereby appointed to fill the offices as set opposite their names:

Persons named
as officers of
Wheatland
County.

County Commissioner.....	I. S. McQuitty
County Commissioner.....	Frank Williams
County Commissioner.....	John Foster
Treasurer.....	C. B. Riedeman
Sheriff.....	Dominic Grivetti
Assessor.....	Elmer Crawford
Clerk of the District Court.....	A. T. Anderson
Clerk and Recorder.....	W. W. Phares
County Attorney.....	L. D. Glenn
Superintendent of Schools.....	Bertha Lunceford
County Surveyor.....	Calvin Jewell
Public Administrator.....	James Logan
Coroner.....	E. F. Ross

All of said officers shall have power and perform the same duties and be entitled to the same privileges as by law conferred on like officers in other counties and shall hold their respective offices until after the next general election, or until their successors are duly elected and qualified, the said officers, however, before entering upon their duties shall severally give bonds and take the oath as required of the county officers of other counties in other counties of this State, and said bonds shall be filed as by law required and approved by the State Auditor.

Powers and
duties of county
officers.

Bond and oath of
office.

Section 14: That the officers appointed and mentioned herein in Section 13 shall each be allowed to receive an annual compensation as such officers as follows:

Compensation of
officers.

For each County Commissioner, the sum of Eight Dollars (\$8.00) per day and fifteen cents a mile for the dis-

tance necessarily traveled in going to and coming from the county seat and his place of residence:

Treasurer	\$2,000.00
Sheriff	2,250.00
Assessor	1,500.00
County Clerk & Recorder.....	2,000.00
Clerk of District Court.....	1,800.00
County Attorney	1,500.00
Superintendent of Schools.....	1,200.00
Surveyor, as provided by law.	
Public Administrator, as provided by law.	
Coroner, as provided by law.	

Municipal town-
ships and road
districts.

Section 15: That at their first meeting, the said commissioners of Wheatland County are empowered to subdivide said county into municipal townships and establish road districts, and they are hereby authorized to appoint two justices of the peace and two constables for each municipal township, and road supervisor for each road district, when required, as provided by the Revised Codes of 1907, of the State of Montana, who shall hold their offices until their successors are elected or appointed and qualified.

Certain officers
to continue in
office.

All township and precinct officers, road supervisors, officers of school districts and other officers, within and for the county of Wheatland, whose election or appointment is not provided for, shall and may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Court House.

Section 16: No court house shall be constructed by the said county of Wheatland until the permanent county seat is, as hereinbefore provided, determined.

Boundaries of
Meagher and
Sweet Grass
counties.

Section 17: The County boundaries of the counties of Meagher and Sweet Grass are hereby altered so as to conform to the boundaries of Wheatland County as established by this Act.

Act to take
effect when.

Section 18: This Act shall take effect from and after the first day of April, 1917.

This Bill having remained with the Governor five days (Sundays excepted), and the Legislative Assembly being in session, it has become a law this 22nd day of February, A. D. 1917.

(Signed)

C. T. STEWART,
Secretary of State.

CHAPTER 56.

A Bill for an Act Entitled: "An Act to create the County of Carter, designate its boundaries, provide for its organization and government and to change the boundaries of Fallon County to conform thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1: That all that portion of the State of Montana embraced within the following boundaries shall be known as and shall be Carter County in the State of Montana to-wit:

Carter county
created.

Beginning at the Northwest corner of Twp. 4 North of Range 55 East, Montana Principal Meridian, and extending East along the North boundary line of Twp. 4 North to the Northwest corner of Section 3, Twp. 4 North of Range 58 East, thence South along the section line between sections 3 and 4, 9 and 10, 16, 17, 21, 22, 27, and 28, 33 and 34, to the Northwest corner of Section 3, Twp. 3 North of Range 58 East, thence East along the North line of Twp. 3 North to the Northwest corner of Section 3, Twp. 3 North of Range 59 East, thence South along the section line between Section 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34 to the Northwest corner of Section 3, Twp. 2 North of Range 59 East, thence East along the North boundary line of Twp. 2 North to the Northwest corner of Section 3, Twp. 2 North of Range 61 East, thence South along the section line between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34 to the Northwest corner of Section 3, Twp. 1 North of Range 61 East, thence East along the North boundary line of Twp. 1 North to the intersection of the eastern boundary line of the State of Montana; thence south along said eastern boundary line to the Southeast corner of the State of Montana; thence West along the south boundary of the State of Montana to the Southwest corner of Twp. 9, South, Range 55 East; thence north along the Range line between Ranges 54 and 55 to the Northwest corner of Twp. 6 South, Range 55 East; thence east along the North line of Twp. 6 South, to the Southwest corner of Twp. 5 South, Range 55 East; thence along the Range line between Ranges 54 and 55 to the Northwest corner of Twp. 1 South, Range 55 East; thence East along the North line of Twp. 1 South, to the Southwest corner of Twp. 1 North, Range 55 East; thence North along the

Boundaries.

Range line between Ranges 54 and 55 to the Northwest corner of Twp. 4 North, Range 55 East to the point of beginning.

Attached to Sixteenth Judicial District.

Section 2: That for judicial purposes the said county of Carter shall be attached to, and become a part of the Sixteenth Judicial District of the State of Montana.

Ekalaka to be temporary county seat.

Section 3: That the City of Ekalaka, situate within the boundaries above mentioned, shall be the County Seat of the said County of Carter until the County Seat shall be designated as hereinafter provided. And for the purpose of definitely fixing and creating the County Seat of the County hereby created, the Board of County Commissioners of Carter County shall cause to be inserted in the official ballots, when printed for the general election to be held the first Tuesday after the first Monday in November, A. D. 1918, at the foot of the names of the candidates or nominees thereon, the following: "For the County Seat of Carter County, ...,

Election to be held to choose permanent county seat, when and how.

Ballots to contain, what.

and the electors, when voting at the said general election at the time hereinbefore mentioned shall declare their vote upon said proposition, by inserting in the blank space upon their ballots herein provided for, the name of some town or city within the said County of Carter, and when the name of a town or city shall be so inserted in this space by an elector, and the ballots have been cast as provided by law, the name shall be deemed a vote for the designated town or city as the place of a permanent County Seat of Carter County, and upon a canvass of the said ballots the town or city having the highest number of ballots shall be declared by the canvassing Board, the County Seat of Carter County, which result shall be entered in the office of the County Clerk and Recorder of said Carter County, and from the date of such declaration of result the town, or city selected shall be and remain, until lawfully changed, the County Seat of Carter County. All laws of a general nature applicable to the several counties of the State of Montana and officers thereof, shall be made applicable to said County of Carter, and the officers who may hereafter be elected, or appointed therein, except as otherwise provided in this Act.

When permanent county seat to be declared selected.

Laws applicable to the election.

Apportionment of indebtedness of Fallon county.

Section 4: That all the indebtedness of Fallon County as the same shall exist on the first day of January 1917, shall be apportioned between the County of Fallon and the County of Carter, by first deducting from said indebtedness, the amount of all moneys on hand, and the

amount of all moneys belonging to the said Fallon County, and also deducting the value of the real and personal property, within or belonging to the said Fallon County on the said first day of January, 1917, and the remainder of said indebtedness shall be apportioned between the respective counties, in proportion to the amount of taxable property in Fallon County, and the taxable property in Carter County, and heretofore within the boundaries of Fallon County; said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a commission consisting of the Board of County Commissioners of Fallon County and Carter County and the Judge of the Sixteenth Judicial District of the State of Montana, which said Commission shall meet at the Court House in the City of Baker on the second Tuesday of March, 1917, and shall take as a standard for said apportionment of said indebtedness the assessment for the year 1916, as determined by the Board of Equalization of said Fallon County.

Commissioners to ascertain values and apportion indebtedness.

To meet when and where.

Section 5: That the County Treasurer of Fallon County shall, at the time of the adjustment as provided for in Section Four of this Act, make out and transmit to the County Commissioners of Carter County, a list of all delinquent taxes and amounts of uncollected taxes within the limits of Carter County, as above defined, provided that no delinquent taxes due the County of Fallon shall be considered in the adjustment of the debt, as hereinbefore provided; but it shall be the duty of the County Treasurer of Fallon County to collect such delinquent taxes as may be due said County, and to turn over within thirty days after making such collections to the Treasurer of Carter County, a pro rata share of such taxes as they may be able to collect.

List of delinquent taxes.

Duty of Treasurer of Fallon county to collect delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the County Treasurer of Fallon County, after the adjustment hereinbefore provided, such surplus shall be divided in the same manner and proportion as the indebtedness.

Surplus funds.

Section 6: That upon the adjustment of said indebtedness it shall be the duty of the County Commissioners of Carter County to cause to be made out, issued and delivered to the County Commissioners of Fallon County, warrants for any amount found due this County, which warrants upon presentation shall be endorsed by the

Duty of county commissioners in settlement with Fallon county.

Treasurer of Carter County, "Not paid for want of funds," and shall thereafter draw interest as other County Warrants.

Bonds which may be issued to pay indebtedness.

Section 7: The County Commissioners of the County of Carter, for the purpose of paying any indebtedness which may be incurred by reason of assuming any of the indebtedness of Fallon County, are hereby authorized and empowered to cause to be issued and to sell at not less than par, the bonds of said Carter County, in an amount equal to said indebtedness so incurred, in the manner provided for by law for the issuance and sale of County bonds.

School moneys.

Section 8: It is hereby made the duty of the County Treasurer of Fallon County to transfer and pay over, on or before the first day of September, 1917, all moneys in said Fallon County to the credit of School Districts embraced within the limits of said County of Carter, as may have been hereby taken from said County of Fallon, which said moneys so transferred shall be held by the Treasurer of Carter County, to the credit and for the use of the same school districts as they formerly existed.

Contract for transcribing records.

Section 9: That the County Commissioners of the said Carter County are hereby empowered, and it shall be their duty, to contract with the lowest responsible bidder, for transcribing and indexing all records of property lying and being within the limits of the County of Carter, and all other public records, which transcripts, when compiled, shall be compared with the original records by the County Clerk of Fallon County, and when correct shall be by them so certified under their official seals and thereafter the records so transcribed and certified to, shall be received and admitted in evidence in all Courts of Law in the State, and be in all respects entitled to like faith and credit as said original records.

Records to be compared and certified.

Compensation of clerk for comparing and certifying records.

The County Clerk of Fallon County shall receive for his services in comparing and certifying to the correctness of the copies of the said records, Five (5) Dollars per day while engaged in said labor, which amount shall be paid by the County of Carter on the completion of said labor.

Officers appointed by Act.

Section 10: The following named persons are hereby appointed to fill the office set opposite their names:

County Commissioner.....	T. F. Schofield
County Commissioner.....	James Monroe
County Commissioner.....	George Hobbs

County Treasurer.....	W. W. Palmer
County Assessor.....	George Cleveland
Clerk of District Court.....	L. J. O'Grady
County Clerk and Recorder.....	Wm. Walker
County Attorney.....	L. L. Wheeler
County Supt. of Schools.....	Mrs. DeLoss Hall
Sheriff.....	George S. Boggs
County Surveyor.....	George Sheets
County Coroner.....	George A. Baker

All of the said officers shall have the same power and perform the same duties and be entitled to the same privileges as are by law conferred upon like officers in other counties, and shall hold their respective offices until next general election, or until their successors are duly elected and qualified.

Powers and
duties of offi-
cers.

Said officers, however, before entering upon their duties shall severally give bonds, and take the oath, as required of the County Officers of other counties of this State, and said bonds shall be filed, as by law required, and approved by the State Auditor.

Bond and oath.

Section 11: That the officers appointed and mentioned herein in Section 10 of this Act shall each be allowed to receive as annual compensation for their services as such officers, as follows, to-wit:

Salaries of
county officers.

County Commissioners.....	As provided by law
Treasurer.....	Fifteen Hundred Dollars
Assessor.....	Fifteen Hundred Dollars
Clerk of the District Court.....	Fifteen Hundred Dollars
Clerk and Recorder.....	Fifteen Hundred Dollars
County Supt. of Schools.....	Twelve Hundred Dollars
Sheriff.....	Eighteen Hundred Dollars
Surveyor.....	As provided by law
County Coroner.....	As provided by law

The said officers shall enter upon their respective duties and said salaries shall commence, and shall not be increased until the assessed valuation of said Carter County is more than five million dollars, when said salaries shall be paid for said respective officers as provided in Section 3116 of the Revised Codes of 1907 of the State of Montana.

When salaries
may be
increased.

Section 12: That, at their first meeting, the said Commissioners of Carter County are empowered to subdivide said County into municipal townships and establish road districts, and they are hereby authorized to appoint two Justices of the Peace and two Constables for

Sub-dividing
county into mu-
nicipal townships
and road dis-
tricts.

Justice of the
peace and road
supervisors.

Old officers who
hold over.

Boundaries of
Fallon County.

each municipal township, and road supervisors for each road district when required, as provided by the Revised Codes of 1907 of Montana, who shall hold their respective offices until their successors are elected and qualified. All township and precinct officers, road supervisors, officers of school districts, and all other officers within and for the County of Carter, whose election or appointments are not provided for, shall or may continue to hold office and exercise the duties pertaining thereto, until the expiration of the term for which said officers were elected or appointed.

Section 13: The boundaries of Fallon County are hereby altered so as to conform to the boundary lines of Carter County established by this Act.

Section 14: This Act shall be in full force and effect from and after its passage and approval.

This Bill having remained with the Governor five days (Sundays excepted), and the Legislative Assembly being in session, it has become a law this 22nd day of February, A. D. 1917.

(SIGNED)

C. T. STEWART,
Secretary of State.

CHAPTER 57.

“An Act to Amend Section 9810 of the Revised Codes of 1907 of the State of Montana, Relating to Release, Parole or Pardon of the Inmates of the Montana State Industrial School.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Section 9810 of the Revised Codes of 1907, of the State of Montana, be, and the same is hereby amended to read as follows:

When trustees of
State Industrial
School may
parole boy or
girl.

“Section 9810. The Board of Trustees may at any time, if a boy or girl has been in the Montana State Industrial School for a period of one year, discharge or release such boy or girl on trial or parole, but in all cases where a boy or girl is released on trial or parole, he or she must at stated intervals, report on his or her conduct to the president, and present certificates of good behavior; whereupon his or her leave may be extended, or the said Board of Trustees by unanimous vote may grant him or her a full and unconditional pardon and order him or her

Reports to be
made by paroled
boy or girl.

Unconditional
parole.

finally released. It shall be the duty of the president to recall any boy or girl who might not be conducting himself or herself properly, or any boy or girl who may not have a suitable home."

Duty of president.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and take effect thirty days after its passage and approval.

Approved February 15, 1917.

CHAPTER 58.

"An Act to Appropriate Money for the Maintenance, Improvement and Operation of the Fish Hatcheries of the State of Montana and for the Expense of the Montana Fish Commission, and Purchase of Equipment."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000.00) for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, during the year 1917; and Ten Thousand (\$10,000.00) Dollars out of the same fund for the maintenance and operation of said Hatchery during the year 1918, or so much thereof as may be necessary each year for the successful operation of said Hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1919.

Appropriation out of Fish and Game Fund for maintenance of Fish Hatchery at Anaconda.

Section 2. That there be, and hereby is, appropriated out of any moneys in the State Treasury to the credit of the State Fish and Game Fund, not otherwise appropriated, the sum of Ten Thousand (\$10,000.00) Dollars for the maintenance and operation of State Fish Hatchery at Somers, Montana, during the year 1917, and Ten Thousand (\$10,000.00) Dollars of the same fund for the maintenance and operation of said Hatchery during the year 1918, or so much thereof each year as may be necessary for the successful operation of said Hatchery during the time mentioned herein. Said sum to be available at any time up to and including the first day of March, 1919.

Appropriation for fish hatchery at Somers.

Appropriation
to improve Fish
Hatchery at
Anaconda.

For hatchery at
Somers.

Appropriation
for distribution
of fish fry.

Funds hereby
appropriated may
be used, where.

Appropriation
to install screen
wheels in ditches.

For planting
rice.

Repealing clause.

Section 3. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, which shall be available for and be used in improvements contemplated and to be made at the Anaconda Hatchery, and that there be, and hereby is, appropriated out of the same fund, the sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, which shall be available for and be used in improvements contemplated and to be made at the Somers Hatchery.

That all of said sums herein appropriated are to be expended under the order and direction of the Montana State Game and Fish Commission.

Section 4. That there be, and hereby is, appropriated out of any moneys in the State Game and Fish Fund, not otherwise appropriated, the sum of Seventeen Thousand Dollars (\$17,000.00) or so much thereof as may be necessary for the purpose of purchasing for the use of the State of Montana, a fish car to be used by the State of Montana in the distribution of fish fry to different parts of the State, the said car to be purchased by and under the direction of the Montana State Fish Commission.

Section 5. The appropriations hereby made for the maintenance of the Fish Hatcheries at Anaconda and Somers, and the improvements thereof, shall be available for use, in such maintenance and improvements, at either of said Hatcheries and such funds may be transferred to, or used in the maintenance or improvements of said Hatcheries at the discretion of the Montana State Fish Commission.

Section 6. The sum of Five Hundred (\$500.00) Dollars or so much thereof as may be necessary, be and the same hereby is appropriated out of the State Game and Fish Fund, to be used by the Montana State Fish Commission in installing a screen wheel in ditches diverting water from rivers or streams containing game fish; and the sum of Five Hundred (\$500.00) Dollars, or so much thereof as may be necessary for the purpose of planting wild rice and other suitable food for ducks and geese in suitable places. The said sums to be available at any time during the years 1917 and 1918.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 15th, 1917.

CHAPTER 59.

“An Act to Amend Section 1904 of the Revised Codes of Montana of 1907 as the Same Appears After Amendment by the Provisions of Chapter 50 of the Laws of the Twelfth Legislative Assembly, Relative to Bounty on Predatory Animals.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1904 of the Revised Codes of Montana of 1907 as said section appears as amended by Chapter 50 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended so as to read as follows: Amending clause.

“Section 1904. That there shall be paid from the bounty funds of the state for the killing of wild animals inimical to the stock industry, the following bounties: For each grown wolf, \$15.00; for each coyote, \$2.50; for each wolf pup, \$2.50; for each coyote pup, \$2.50; for each mountain lion, \$10.00.” Bounties on wild animals.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22nd, 1917.

CHAPTER 60.

“An Act Authorizing the State Board of Prison Commissioners to Adopt Rules and Regulations Allowing Additional Good Time in Addition to That Provided by Statute for Good Conduct to Convicts Employed on Public Roads or Other Public Works, and Providing a Penalty for the Violation of Such Rules.”

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the State Board of Prison Commissioners is hereby authorized and required to adopt rules and regulations applicable solely to convicts employed upon public roads or other public works, whereby said Board of Prison Commissioners to adopt rules and regulations regarding convicts on roads and public works.

Additional good time.

Limit to good time allowed.

Punishment for violation of rules, etc.

Repealing clause.

convicts so employed, may be granted additional good time allowance in addition to that now provided by Section 9737 of the Montana Revised Codes for good conduct, conditioned upon such convicts' good behavior and compliance with all rules and regulations which may be made by said Board or Superintendent or Warden of the State Prison, for the management and control of said Prison and such convicts; provided, said rules may grant not to exceed in additional good time allowance of Ten (10) days per month, and further, provided, that an attempted escape by the convict, or such violation of the rules and regulations so prescribed, as in the judgment of the said Board should be punished by forfeiture of such extra good time, shall operate as forfeiture of all extra good time as may have been allowed by said Board of Prison Commissioners, now authorized in this Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved February 22nd, 1917.

CHAPTER 61.

"An Act to Amend Section 508 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to the Purchasing of School Sites, and the Building and Removal of School Houses."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 508 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be amended to read as follows:

Power and duties of school boards.

Section 508. DUTIES. Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the Superintendent of Public Instruction for their own government of schools under their supervision.

2. To employ or discharge teachers, mechanics, or laborers, and to fix and order paid their wages; Provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at

a special or regular meeting; not unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a Board of Trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

3. To determine the rate of tuition of non-resident pupils.

4. To fix the compensation of the clerk.

5. To enforce the rules and regulations of the Superintendent of Public Instruction for the government of schools, pupils, and teachers and to enforce the course of study.

6. To provide for school furniture and for everything needed in the school house or for the use of the school board.

7. To rent, repair, and insure school houses.

8. To build or remove school houses and to purchase or sell school sites, Provided, that in districts of the third class they shall not build or remove school houses, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district voting at an election held in the district for that purpose, and such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers, and notice thereof shall be given by the clerk by posting three notices in three public places in the district at least ten days prior to such election, which notices shall specify the time, place and purpose of such election.

9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age where the interest of the school requires such exclusion.

11. To provide books, clothing and medical aid for indigent children when it shall be made to appear that such aid is needed.

12. To require pupils to be furnished with suitable books as a condition of membership in school.

13. To exclude from school and school libraries, all books, tracts, papers and other publications of immoral and pernicious nature.

14. To require teachers to conform to the law.

15. To make an annual report, as required by law, to the county superintendent on or before the first day of October, in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

16. To make a report directly to the Superintendent of Public Instruction whenever instructed by him to do so.

17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent, in districts of the third class.

18. To visit every school in their district at least once in each term and to examine carefully into its management, conditions and needs. This clause applies to each of the trustees.

19. To provide separate privies or outhouses for the use of the sexes at all school houses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; Provided, that any trustee or trustees, teacher, janitor or janitors, failing to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding ninety days or both such fine and imprisonment in the discretion of the court.

20. To allow pupils residing in other districts to attend school in the district of which they have charge if in their judgment there is sufficient room.

21. To procure by purchase or donation and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every school house in their respective districts. Said flags shall be of dimensions not less than four by six feet and shall be made from durable material. The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their

hands and which is not otherwise appropriated for the purchase and erection of fixtures.

22. To close school at their discretion during the annual session of the State Teachers' Association, and to allow teachers to attend the same without loss of salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22nd, 1917.

CHAPTER 62.

“An Act Regulating the Running at Large of Bulls on Public Ranges or National Forest Reserves in the State of Montana, and Providing Penalties.”

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. It shall be unlawful for any person, persons or corporation to turn upon, or allow to run at large on, the open range or National Forest Reserve within the State of Montana, any bull other than a pure bred bull of a recognized beef type. The words, “pure bred,” when construed in connection with this Section shall mean high grade bulls of good and superior individuality with two top crosses of any of the recognized beef breeds.

“Pure bred” bulls, only to be permitted to run in National Forest Reserves.

SECTION 2. Any bull found running at large on the open range or National Forest Reserve in violation of the provisions of this Act may be taken up and castrated; provided that the owner of such bull, if known, must be immediately notified by the person taking up such bull either by direct notice or by registered mail. Ten days after said notice has been given, or ten days after the mailing of registered letter, if the owner does not procure such bull, then the bull may be castrated by the person, or agent of the person serving such notice. If the owner is unknown, then the person holding such bull must immediately notify the State Recorder of Brands who must notify the owner by registered mail or direct service, and also notify the person holding the bull the date of service or registration of service, and if not claimed in ten days after such notice, or if the owner is unknown to the Recorder of Brands, then the bull may be castrated.

Bulls running at large contrary to Act may be castrated.

Notice to owner.

Time when bull may be castrated.

Notice to State Recorder of Brands.

Duty of Receiver.

Violation of
Section 2 a mis-
demeanor.
Penalty.

SECTION 3. Any person, persons or corporation violating Section Two of this Act shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Twenty-five (\$25.00) Dollars and not more than Two Hundred Fifty (\$250.00) Dollars.

Cost of holding
and castrating.

SECTION 4. The cost of holding and castrating any animal taken up under the provisions of this Act shall be a charge against the owner of such animal and may be recovered in a civil action in any court of competent jurisdiction.

SECTION 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 6. This Act shall be in full force and effect immediately upon and after its passage and approval.

Approved February 22nd, 1917.

CHAPTER 63.

“An Act Relating to Bridges Within Any City or Town Upon a Highway Crossing a Natural Stream Separating One Part from Another Part of any County in which Such City or Town is Situated and Providing for the Construction and Maintenance of Such Bridges and their Approaches.”

Be it enacted by the Legislative Assembly of the State of Montana:

Bridges in cities
and towns over
streams.

Section 1. Every bridge necessary to be constructed and maintained in any city or town as a part of a main highway in any county leading over a natural stream from one part to another of such county shall be constructed and maintained by the county at large and be under the direction and control of the Board of County Commissioners.

To be con-
structed and
maintained by
whom.

Suburban railway
to pay county for
use of bridge.

Section 2. That before any bridge referred to in the preceding section shall be used as a part of any street or suburban railway, the owner of such railway shall pay into the county treasury for the use of the county bridge fund, such sum as the Board of County Commissioners shall determine, but not less than one-fourth nor more than one-half of the cost of construction of such bridge; and the owner of such railway shall also be obligated to pay such portion of the cost of maintaining such bridge not less than one-fourth nor more than one-half, as the Board of County Commissioners shall determine, during such time as such bridge shall be used by said railway.

Limitations of
amount to be
paid.

Cost of main-
taining.

Section 3. That the city or town in which any bridge referred to in the two preceding sections is situated, shall be obligated to pay the whole or such part, not less than one-half, to be determined by the Board of County Commissioners, of the cost of planking, re-planking, paving or re-paving such bridge from time to time; and such city or town shall be obligated to construct and maintain and keep in good repair the approaches to such bridge.

Amount city or town shall pay for constructing and renewing floor of such bridge.

Maintaining approaches.

Section 4. The Board of County Commissioners may levy a special tax of not to exceed five mills on the dollar of the taxable property of the county to defray the cost of constructing and maintaining any bridge referred to in the preceding section.

Tax which may be levied for cost of construction and maintenance.

Section 5. Before the construction of any bridge referred to in the preceding section, the cost of which shall exceed ten thousand (\$10,000.00) dollars, shall be undertaken, the Board of County Commissioners shall submit to the qualified electors of the county, at a general or special election, the question of whether such bridge shall be constructed and the cost thereof paid by the county; and if the electors at such election shall vote in favor of the construction of such bridge, the Board of County Commissioners may, if they deem it necessary and advisable to do so, issue and sell the bonds of said county to the amount authorized for the purpose of constructing such bridge under such regulations as other bonds of the county are issued and sold, and with such funds construct said bridge; or, if the cost of such bridge shall not exceed the amount authorized to be raised by a special levy, a special levy may be made for the purpose of raising the moneys necessary to defray the cost of constructing such bridge, as provided in Section 4 of this Act.

Election to determine whether bridge shall be constructed.

Bonds.

When special levy may be made.

Section 6. All bridges referred to in the foregoing sections shall be under the management and control of the Board of County Commissioners of the county in which such bridge is situated, and all repairs to and planking and re-planking, paving and re-paving thereof shall be done as and when directed by the Board of County Commissioners: Provided, that such bridges and all persons thereon shall be subject to the reasonable police regulations of the city or town in which any such bridge is situated.

Bridges so constructed shall be under management of whom.

Police regulation by the city or town.

Section 7. Nothing in this Act contained shall be deemed to deprive cities or towns of any of the powers

How Act to be construed regarding power of cities and towns.

conferred upon them by existing laws in respect to the construction and maintenance of bridges within their corporate limits, and any such city or town is hereby empowered to exercise such powers in aid of the construction or maintenance of any bridge referred to in this Act situated in any such city or town, to any extent the corporate authorities of such city or town may deem necessary or just.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved January 25th, 1917.

CHAPTER 64.

"An Act to Amend Sections XXIV and XXV of Chapter 147 of the Laws of the Eleventh Legislative Assembly, 1909, Entitled: 'An Act Providing for the Management and Control of the Lands Now Owned by or Hereafter to be Acquired by the State of Montana, Including the Sale and Rental Thereof and the Management, Protection, and Disposition of the Timber Growing Thereon and the Coal, Oil, and Minerals Therein; Providing for the Management and Control of the Funds Realized from the Sale and Rental of State Lands and the Products Thereof; Naming and Providing for Certain Officers Subordinate to the State Board of Land Commissioners and Prescribing Their Duties and Compensation; Providing for the Acquisition of Water Rights for Use Upon State Lands; Defining and Providing for the Punishment of Certain Offenses for Violating the Provisions of this Act.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section XXIV, Ch. 147, Laws 1909.

Section 1. That Section XXIV of Chapter 147 of the Montana Session Laws of 1909 be, and the same is hereby amended to read as follows:

State Land Agent empowered to appoint appraisers of state lands.

Section XXIV. The State Land Agent is hereby authorized to appoint such competent persons at such time or times as may be deemed necessary by the State Board of Land Commissioners, to assist the State Land Agent in selecting, appraising and re-appraising the State Lands, and they shall draw pay only when engaged in field work,

Compensation.

and their pay shall not exceed One Hundred and Twenty-five (\$125.00) Dollars per month, together with actual necessary expenses.

Section 2. That Section XXV of Chapter 147 of the Montana Session Laws of the Eleventh Legislative Session, 1909, be and the same is hereby amended to read as follows:

Amending Section XXV of said Chapter 147.

Section XXV. "The State Forester is hereby authorized to appoint one Assistant Forester, with like qualifications as the State Forester, at such time or times as may be deemed necessary, to assist the State Forester in any of the duties of his office; and he shall draw pay only when actually engaged in the performance of such work, and shall hold office at the pleasure of the State Forester, and his pay shall be not to exceed One Hundred and Fifty (\$150.00) Dollars per month, together with actual necessary expenses while engaged in outside work connected with the office. He shall give such bond for the faithful performance of his duties as the State Board of Land Commissioners may require, provided that the said State Forester may pay such salaries to timber cruisers or estimators as may be necessary to secure the most efficient service."

State Forester empowered to appoint one Assistant Forester, when.

Compensation.

Expenses.

Bond.

Timber cruisers or estimators.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 7th, 1917.

CHAPTER 65.

"An Act to Prohibit Livestock from Running at Large in any City and in any Incorporated Town and Providing a Penalty for the Violation Hereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby provided that livestock, consisting of horses, cattle, mules, sheep, goats and swine or any such animals shall not be allowed to run at large in any incorporated city, or in any incorporated town.

Prohibiting live stock from running at large within incorporated cities and towns.

Section 2. Any person owning livestock or having in charge any horses, mules, cattle, sheep, goats or swine or any such animals who willfully and unlawfully permit any such livestock to trespass, in violation of any of the

Willful violation of Act a misdemeanor.

provisions of this Act, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be punished as such as provided by law.

Repealing clause. Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20th, 1917.

CHAPTER 66.

“An Act to Prohibit the Malicious Driving, Placing or Imbedding of Spikes, Nails or Other Metallic Substances, Stone or Rock, in Saw Logs Intended for Manufacture Into Lumber or Other Timber Products, and Prescribing the Penalty Therefor.”

Be it enacted by the Legislative Assembly of the State of Montana:

Maliciously driving spikes and other hard substances in saw logs a felony.

Section 1. It shall be unlawful for any person to maliciously drive, place or imbed any spike, nail or other metallic substance, stone or rock in any saw logs intended for manufacture into lumber or other timber products, and any person violating the provisions of this Act shall be guilty of a felony and punishable by imprisonment in the state prison not less than one nor more than five years, or by fine not less than One Hundred Dollars nor more than One Thousand Dollars, or by both fine and imprisonment.

Penalty.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved February 20th, 1917.

CHAPTER 67.

“An Act to Require Railway Companies or Corporations to Report Delayed Trains, Prescribing the Method Thereof and Providing Penalties; Repealing Sections 4345, 4346, 4347 and 4348 of the Revised Codes of the State of Montana, and Chapter 105, Session Laws of the Eleventh Legislative Assembly, Entitled: ‘An Act to Require Railway Corporations, Operators, Agents or Persons in Charge of Railroad, Telegraph or Telephone Stations to Report Delayed Trains, Prescribing the Method Thereof and Providing Penalties.’ ”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every company or corporation, managing, operating or leasing any railroad in this state, that is now or may hereafter be engaged in the transportation of passengers, shall place or cause to be placed in a conspicuous place in and about each and every station or depot where an agent, telephone or telegraph operator is kept, a bulletin board and such railway company or corporation shall, for the information of the traveling public, at least three (3) hours before the advertised scheduled time of the arrival of each passenger train stopping upon such route at such station, cause to be posted upon such bulletin board the number of the train, the time such train is due, and the fact whether such train is on scheduled time or not, and, if late, how much, and shall indicate at the end of two hours thereafter any gain or loss of more than 15 minutes made by such train and thereafter every thirty minutes any gain or loss of more than 15 minutes made by such train, on such bulletin board at such station, showing at each time indicated how much said train is running behind its scheduled time, but nothing in this Act shall be so construed as to compel such railway company or corporation, leasing, operating or managing any railroad in this state, to post the number, scheduled time and lateness of such trains, as arriving or departing from such stations aforesaid, while there is no such agent, telegraph or telephone operator or any other person on duty, but immediately after such agent, telegraph or telephone operator, in charge of such station, comes on duty, such railway company or corporation shall cause to be indicated on said bulletin board the number of any trains then due or overdue, or scheduled to be due within three hours, the time any train or trains are due and how much the trains are running behind their scheduled time; provided that any such passenger train, not more than ten (10) minutes late, shall be deemed to be on time as to the operation of this Act; provided, also, that when such station is connected by telephone with the central exchange in any town or city such railway company or corporation, upon request of such central exchange, shall promptly notify such central exchange as to the time of arrival of such passenger train, giving the same information as is posted on said bulletin board and at the said time of said posting.

Railroad companies required to post time of all trains, on bulletin in station and report delayed trains.

Act not to apply to stations where there is no agent on duty.

What to be indicated on bulletin.

To notify telephone exchange when.

Violation of Act a misdemeanor.

Section 2. Every railway company or corporation,

Penalty.

Duty of county
attorney.

managing, operating or leasing any railroad in this state, that shall willfully or negligently violate the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty (\$50) Dollars, nor more than Two Hundred (\$200) Dollars for each offense; such action to be prosecuted by the county attorney of the county in which the violation occurs, in the name of the state of Montana.

Section 3. That Sections 4345, 4346, 4347 and 4348 of the Revised Codes of the State of Montana, and Chapter 105, Session Laws of the Eleventh Legislative Assembly, entitled: "An Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph or telephone stations to report delayed trains, prescribing the method thereof, and providing penalties," are hereby repealed.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force and effect twenty days from and after its passage and approval.

Approved February 20th, 1917.

CHAPTER 68.

"An Act to Amend Section 3032 of the Montana Revised Codes of 1907, Enumerating the Instruments to Be Recorded by the County Clerk and Recorder, and the Manner of Recording the Same."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

County Clerk
records may be
made, how.

SECTION 1. That Section 3032 of the Montana Revised Codes of 1907 be amended so as to read as follows:

"What to be Recorded. He must, upon payment of his fees for the same, record, or correctly copy, separately, in large and well-bound, or to be bound, separate books either in a fair hand or by printing or by typewriting or by the use of prepared blank forms:

1. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.

2. Certificates of births and deaths.

3. Wills devising real estate admitted to probate.
 4. Official bonds.
 5. Transcripts of judgments which by law are made liens upon real estate.
 6. Instruments describing or relating to the separate property of married women and sole trader judgments.
 7. All orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded.
 8. Notice of pre-emption claims.
 9. Notice and declaration of water rights.
 10. Assignments for the benefit of creditors.
 11. Affidavits of annual work done on mining claims.
 12. Notices of mining locations and declaratory statement.
 13. Estrays and lost property.
 14. A book containing appraisement of state lands.
 15. Such other writings as are required or permitted by law to be recorded; Provided, nothing herein shall be construed as preventing the recording or copying of such instruments, separately, upon a single or loose page or pages of a book, if such page or pages shall immediately become a part of such book or volume, which, when completed, shall be firmly bound and the pages thereof securely locked or sealed into the volume."
- SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.
- SECTION 3. This Act shall be in full force and effect from and after its passage and approval.
- Approved February 28, 1917.

Loose Leaf system may be used for recording and copying.

CHAPTER 69.

"An Act to Amend Section 403 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to the Creation of School Districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1: That Section 403 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana be amended so as to read as follows; "Section 403. "No school District shall be created between the first day of June and the first day of September following each year."

Amending clause.

Period during which school districts may be created.

Section 2: All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3: This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 70.

“An Act Regulating and Limiting the Hours of Employment for Female Employees, and Governing the Conditions under which Female Employees shall Work in Certain Industries and Providing Penalties for Violation Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Hours of labor
for women in
certain indus-
tries.

Hours may be
arranged how.

In retail stores.

Seats to be pro-
vided, where.

Violation of pro-
visions of Act a
misdemeanor.

Section 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, telephone exchange room, or office, or telegraph office, laundry, hotel or restaurant in this State, for more than eight hours in any one day. The hours of work may be so arranged so as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four of any one day, provided that females may be employed in retail stores to work not to exceed ten hours in any one day for one week immediately preceding Christmas Day.

Section 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees and shall permit them to use such seats when they are not employed in the active duties of their employment.

Section 3. Any employer who shall require any female to work in any of the places mentioned in Section 1, more than the number of hours provided in this Act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in Section 2 of this Act, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each of-

fense not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, or be imprisoned in the county jail for a period of not less than ten nor more than sixty days, or both such fine and imprisonment. Penalty.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect and be in full force on and after April 1, 1917.

Approved March 1st, 1917.

CHAPTER 71.

“An Act to Provide for the Letting of Contracts for Public Printing, Fixing the Prices Therefor, Providing a Penalty for Violation of This Act, and to Repeal Section 2897 of the Revised Codes of the State of Montana for 1907.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby made the duty of the County Commissioners of the several counties of the State of Montana to contract with some newspaper, published at least once a week, and of general circulation, published within the county, and having been published continuously in such county at least one year, immediately preceding the awarding of such contract to do and perform all the printing for which said counties may be chargeable, including all legal advertising required by law to be made, blanks, blank books, stationery, election supplies, loose leaf forms and devices, official publications, and all other printed forms required for the use of such counties, at not more than the following prices: For every folio of one hundred words, or fraction thereof, one dollar and fifty cents shall be paid for the insertion thereof, and fifty cents per folio of one hundred words for each subsequent insertion required by law to be made. For rule and figure work, two dollars per folio of one hundred words or fraction thereof, and fifty cents per folio of one hundred words for each subsequent insertion thereof, required by law to be made. That for the purpose of establishing a basis of measurement one column thirteen ems wide and one inch in depth, when set in solid six point type shall constitute a folio; one column thirteen ems wide and one and two tenths inches in depth when set in

Public printing contracts to be made with county paper.

Printing included in contract.

Price per folio.

Rule and figure work.

What to constitute a folio

solid seven point type shall constitute a folio; one column thirteen ems wide and one and four tenths inches in depth when set in solid eight point type shall constitute a folio; one column thirteen ems wide and one and five tenths inches in depth when set in solid ten point type shall constitute a folio.

Limitation on prices for books, stationery and other printing supplies.

Printed blanks, blank books, stationery, election supplies, loose leaf forms and devices and all other printed forms required for the use of such counties shall be furnished at not more than the following rates:

ENVELOPES, LETTERHEADS AND BILLHEADS.

	Per 500	Per 1000	Addi- tional 1000
Envelopes XXX 6½ White Rag.....	\$3.00	\$5.00	\$4.00
Envelopes XXX 10 White Rag.....	3.75	6.50	5.50
Envelopes XXX 11 White Rag.....	4.25	7.25	6.25
Envelopes XXX 12 White Rag.....	4.50	7.50	6.50
Envelopes, Manilla 6½—36 lb.....	2.50	4.00	3.00
Envelopes, Manilla 10—50 lb.....	3.00	5.00	4.00
Envelopes, Manilla 11—50 lb.....	3.25	5.50	4.50
Envelopes, Manilla 12—50 lb.....	4.00	6.25	5.75
Envelopes for poll books, each.....			.30
Envelopes for tally sheets, each.....			.30
Envelopes for voted ballots, each....			.50
Envelopes for unused ballots, each..			.50
Envelopes for return election books, each			.50
Envelopes for returns of election, each			.10
Letterheads, 10 lb., flat paper, ruled or unruled		6.00	5.00
Letterheads, 8 lb. bond paper, ruled or unruled		6.00	5.00
Letterheads, 10 lb. bond paper, ruled or unruled		7.50	6.50
Billheads—6's (printed head only) (500)	3.00	4.75	3.75
Billheads—4's (printed head only)..	3.25	5.00	4.00
Billheads—2's (printed head only)..	4.25	6.50	5.50

BLANKS—BINDING—BLOCKING, ETC.

	Per 500	Per 1000	Addi- tional 1000
1/8 sheet 3½x8½, printed one side..	\$4.25	\$6.50	\$5.00

1/8 sheet 3 1/2 x 8 1/2, printed two sides..	6.50	9.50	6.00
1/4 sheet 7 x 8 1/2, printed one side.....	5.75	8.50	6.00
1/4 sheet 7 x 8 1/2, printed two sides....	8.50	11.50	8.00
1/2 sheet 14 x 8 1/2, printed one side....	10.25	14.00	8.50
1/2 sheet 14 x 8 1/2, printed two sides....	13.50	20.00	10.00
Full sheet 28 x 8 1/2, printed one side..	15.25	24.00	14.00
Full sheet 28 x 8 1/2, printed two sides	23.75	31.50	15.00
Full sheet 17 x 14, printed one side, 8 pt.	20.00	26.00	14.50
Full sheet 17 x 14, printed two sides, 8 pt.	30.00	38.00	15.00
Binding 1/8 sheets in books of 50 each, per book.....	\$.15		
Binding 1/8 sheets in books of 100 each, per book.....	.20		
Binding 1/4 sheets in books of 50 each, per book.....	.20		
Binding 1/4 sheets in books of 100 each, per book.....	.30		
Binding 1/2 sheets in books of 50 each, per book.....	.35		
Binding 1/2 sheets in books of 100 each, per book.....	.45		
Blocking 1/8 sheets in blocks of 100 each, per block....	.06		
Blocking 1/4 sheets on blocks of 100 each, per block....	.08		
Blocking 1/2 sheets on blocks of 100 each, per block....	.10		
Blocking Full sheets in block of 100 each, per block..	.12		
Gathering Forms per 100 single sheets.....	.10		
Perforating 1/8 sheets per 100, per perforation.....	.07		
Perforating 1/4 sheets per 100, per perforation.....	.07		
Perforating 1/2 sheets per 100, per perforation.....	.08		
Perforating Full sheets per 100, per perforation.....	.08		
Numbering—Single numbers per 100 numbers.....	.06		
Numbering—Duplicate numbers per 100 numbers....	.09		
Numbering—Triplicate numbers on same sheet per 100 numbers	.12		

RECEIPTS, ELECTION SUPPLIES, ETC.

	Per 1000	Additional 1000
Poor tax receipts, in one color ink, books of 50 complete.....	\$12.50	\$ 7.00
Poor Tax receipts, in two colors ink, books of 50 complete.....	14.50	9.00
Road Tax receipts, in one color ink, books of 50 complete.....	12.50	7.00
Road Tax receipts, in two colors ink, books of 50 complete.....	14.50	9.00
License receipts, in one color ink, books of 50 complete	24.00	17.00

License receipts, in two colors ink, books of 50 complete.....	27.50	21.00
Tax receipts, in triplicate on bond paper, one color ink.....	30.00	22.00
Tax receipts in triplicate two on bond, 1 on manifold tissue, one color ink, complete	37.50	30.00
Warrants lithographed in books of 1000....	30.00	21.00
Tally books, Presidential Primaries, Registration up to five thousand names each.....	\$1.50	
Tally books, County Primaries, Registration up to five thousand names each.....	2.00	
Tally books, State and County Primaries, Presidential years, Registration up to five thousand names each	2.25	
Poll books, Presidential Primaries, Registration up to five thousand names, each.....	1.50	
Poll books, County Primaries, Registration up to five thousand names each.....	2.00	
Poll Books, State and County Primaries, Presidential years, Registration up to five thousand names each..	2.25	
For each Poll book or Tally Sheet where the registration is excess of five thousand names, five cents for each one thousand names, or fraction thereof, of such excess shall be paid.		
Precinct Registers, one letter to leaf 8½x14, each....	\$4.00	
Precinct Registers, one letter to leaf 14x17, each.....	6.00	
Precinct Copy and Check list, one letter to leaf 8½x14, each.....	4.00	
Precinct Copy and Check list, one letter to leaf 14x17, each.....	6.00	
Instructions to Voters, one ½ sheet card 14x22, or on 100-lb Manilla tag, per 100—\$25.00. Additional 100	\$10.00	
	Per	Additional
	1000	1000
Registration Cards, 4x6, printed one side..\$	7.00	\$ 5.00
Registration Cards, 4x6, printed two sides	11.00	7.00
List of Electors, per name, per 100 copies.....		.07
Ballots, County Primary, per party.....	22.50	12.50
Ballots, Presidential Primaries, per party..	22.50	12.50
Ballots, County Primary, Presidential year per party	30.00	20.00

Ballots, County General Election.....	60.00	30.00
Ballots, General Election, Presidential year	70.00	40.00
Ballots, Initiative and Referendum.....	8.00	4.00
Claim Blanks, Ruled and Printed, 1/2 sheet	30.00	15.00
Assessment lists, 14x17 flat.....	35.00	20.00
Assessment lists, 24-page book form.....	97.50	27.50

BLANK BOOKS MADE TO ORDER.

	4	5	6	7	8
Demy 10 1/2 x 16	Quire	Quire	Quire	Quire	Quire
Plain 3/4 Russia.....	\$14.65	\$16.15	\$17.65	\$19.15	\$20.65
Plain Full Russia.....	21.75	23.25	24.75	26.25	27.55
Printed Head Full Rus- sia	25.90	27.40	28.90	30.40	31.90
Printed Page Full Rus- sia	32.65	34.90	31.75	39.40	41.25
For each extra heading \$3.50 and for each extra full page \$5.00 shall be charged.					

	4	5	6	7	8
MEDIUM 11 1/2 x 18	Quire	Quire	Quire	Quire	Quire
Plain 3/4 Russia.....	\$18.40	\$20.25	\$22.50	\$24.75	\$27.00
Plain Full Russia.....	25.90	27.75	29.65	31.50	33.40
Printed Head Full Rus- sia	32.25	35.25	36.35	39.00	41.25
Printed Page Full Rus- sia	38.25	40.90	43.50	46.15	48.75
For each extra heading \$4.00 and for each extra full page \$7.00 shall be charged.					

DOUBLE CAP 14x17.

Plain 3/4 Russia.....	18.40	20.25	22.50	24.75	27.00
Plain Full Russia.....	25.90	27.75	29.65	31.50	33.40
Printed Head Full Rus- sia	32.25	35.25	36.75	39.00	41.25
Printed Page Full Rus- sia	38.25	40.90	43.50	46.50	48.75

For each extra heading \$4.00, and for each extra full
page \$7.00 shall be charged.

DOUBLE DEMY 21x16.

Plain 3/4 Russia.....	25.15	29.65	27.40	31.90	34.15
Plain Full Russia.....	40.15	42.40	44.65	47.65	50.25
Printed Head Full Rus- sia	46.90	50.25	54.00	57.75	61.50
Printed Page Full Rus- sia	48.00	52.50	57.00	61.50	66.00

For each extra heading \$6.00, and for each extra full page \$7.50 shall be charged.

DOUBLE MEDIUM 18x23.

Plain $\frac{3}{4}$ Russia.....	30.00	34.50	38.25	42.40	46.50
Plain Full Russia.....	47.65	51.75	55.90	60.15	64.50
Printed Head Full Russia	53.65	58.15	62.65	67.15	71.65
Printed Page Full Russia	56.65	61.15	65.65	70.15	74.65

For each extra heading \$6.00, and for each extra full page \$8.00 shall be charged.

ASSESSMENT BOOKS.

$\frac{3}{4}$ Russia, page 21x32..	75.00	82.50	90.00	97.50	105.00
$\frac{3}{4}$ Russia, page 18x46..	82.50	90.50	98.50	107.00	115.00

Books not specified above.

Any book not specified in the above list shall be charged at a pro rata rate. Fractional quires to be computed as full quires. Quires to consist of 80 pages, 40 folio page, 40 leaves.

Rates not to be exceeded.

Contract to be let to what newspaper.

Bond which may be required of contractor.

Discretion in accepting work.

Contracts affected.

Limitation of period of contract.

Portion of contract may be sub-let to whom.

All other blanks, blank books, stationery, election supplies, loose leaf forms and devices, and other printed forms required for the use of such counties shall be furnished and paid for not to exceed the rates herein provided for similar blanks or printing. The contract shall be let to the newspaper that in the judgment of the county commissioners shall be most suitable for performing said work, provided, that the county commissioners shall require of any contractor to do such county printing, a good and sufficient undertaking in such sum as said commissioners may deem advisable, signed by at least two sufficient sureties, conditioned to the effect that said contractor will faithfully perform all the conditions of said contract in accordance with the terms thereof, or in default thereof, said sureties shall pay the said county the sum mentioned in said undertaking as the penalty thereof; provided, that nothing in this Act shall be construed so as to compel the acceptance of unsatisfactory work; also provided, however, that this requirement shall not affect any contract made prior to the passage of this Act. No such contract for printing shall extend for a period of more than two years. All newspapers which may receive any contract for printing under this Act and which may not be able to execute any part of such contract shall be required to sub-let such contract or portion of contract to some newspaper or printing establishment within the

state, which shall do the work under contract so sub-let entirely within the state with Montana labor.

Work shall be done within this state.

Section 2. That any violation of this Act shall be deemed a misdemeanor and punished as such.

Violation of Act a misdemeanor.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect sixty days after its approval.

Approved March 1st, 1917.

CHAPTER 72.

“An Act to Amend Section 1808 of the Revised Codes of Montana, 1907, and Section 1 of Chapter 131 of the Session Laws of the Fourteenth Legislative Assembly, Relating to the Inspection of Livestock when Moved from one County to Another within the State.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1808 of the Revised Codes of Montana, 1907, and Section 1 of Chapter 131 of the Session Laws of the Fourteenth Legislative Assembly, be and the same are hereby amended so as to read as follows:

Amending clause.

“That from and after the passage of this Act, it shall be the duty of any and all persons, associations or corporations, removing or taking livestock or any meat cattle from one county to another county within this state, or beyond the boundaries of this state, by railroad, or in any other manner whatsoever, to cause the same to be inspected for brands by a state stock inspector, and no railroad company shall accept such livestock for shipment unless the shipper shall produce a certificate of their inspection for brands as herein required; Provided, However, that the provisions of this Act shall not apply to the said stock when driven by the owner from one county to another for the purpose of pasturing, feeding or changing the range thereof nor to any stock so removed or taken by any person, association or corporation when such stock is used in the ordinary conduct of their business and such person, association or corporation has been the owner of said stock to be removed, for at least three months.”

Inspection of brands of cattle removed from county or state.

Railroads forbidden to accept cattle not inspected.

Act not to apply, when.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1st, 1917.

CHAPTER 73.

“An Act to Create a Tax and License Commission and Prescribing Its Powers and Duties.”

Be it enacted by the Legislative Assembly of the State of Montana:

Tax and license
commission cre-
ated.

To consist of
whom.

Compensation to
be paid out of
what fund.

Appropriation.

Vacancies, how
filled.

Compensation
and expenses of
commission.

Power to hold
meetings and
summon wit-
nesses.

May employ
assistants and
experts.

May require at-
tendance of wit-
nesses and pro-
duction of books,
etc.

May invoke aid
of District Court
therein.

Section 1. That a Commission is hereby created composed of C. J. McNamara, a resident of the County of Choteau, State of Montana; Chas. R. Leonard, a resident of the County of Silver Bow, State of Montana, and Wm. Lindsay, Sr., a resident of the County of Carbon, State of Montana, said persons being hereby named and appointed as members of said Commission and said Commission shall be called the Tax and License Commission. The compensation of the members of this Commission shall be paid out of the General Fund of the State, and there is hereby appropriated for the payment of traveling expenses, office expenses and all other expenses as authorized, the sum of \$25,000. Should a vacancy occur in said Commission through the death or resignation of any member thereof, or through any other cause, the Governor shall appoint some qualified person to fill such vacancy.

Section 2. That each member of said Commission shall be paid actual traveling and other necessary expenses, and in addition, a compensation of Ten (\$10.00) Dollars per diem while actually engaged in the work of the Commission and while going to, or returning from such work. The Commission is authorized to hold sittings and public hearings anywhere in the State of Montana, to send for persons and papers, to administer oaths, to summon or compel the attendance of witnesses and to take testimony, and to employ such secretaries, experts, stenographers and other assistants as shall be necessary to carry out the purposes for which such Commission is created. Any expert employed may or may not be a citizen of the State of Montana.

Section 3. That for the purposes of this Act said Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of books, papers and documents relating to any matter under investigation. Such attendance and the production of such documentary evidence may be required from any place in the State at any designated place of hearing, and in case of disobedience to such subpoena, the Commission may invoke the aid of any District Court of the

State of Montana in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this Section; and any of the District Courts of the State of Montana, in case of contumacy or refusal to obey a subpoena issued, shall, upon a petition filed by said Commission, setting up the facts and the necessity of having such witness appear before the Commission, summarily direct that a subpoena be issued requiring any person or corporation to appear before the Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as for a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Power of court to compel attendance of witnesses and the production of evidence.

Contempt of court.

Incriminating evidence.

Section 4. The said Commission shall report to the State Board of Equalization, its findings and recommendations and submit the testimony taken from time to time, and shall make a final report, accompanied by the testimony not previously submitted, and not later than the 30th day of November, 1918, and the term of this Commission shall expire March 1, 1919. Said Commission shall make at least one report to the State Board of Equalization within the first six months of its appointment and a second report within the next year of its appointment.

Reports to State Board of Equalization.

Final report to be made when.

Term of commission to expire when.

First report to be made when.

Section 5. Said Commission shall inquire into the assessment and relative amount of taxes paid upon all forms of property in the several counties and shall investigate the relative amount of license and other taxes paid by both foreign and domestic corporations and shall make such investigation with the view of determining what further and other license taxes or other taxes should be paid by foreign or domestic corporations doing business in this State, in such inquiry and investigation said Commission shall consult and co-operate with the State Board of Equalization, with a view to gathering evidence and information and making recommendations which will be of assistance to said State Board of Equalization, in the performance of its duties, in securing a fair, just and equitable valuation of taxable property in the State, in adjusting and equalizing the valuation thereof among

Scope of inquiry by commission.

Shall consult and co-operate with the State Board of Equalization.

the several counties, and in raising the necessary revenue for such purposes.

Commission shall recommend necessary legislation in its final report.

Section 6. That said Commission, in its final report, shall further recommend such legislation as in its opinion shall be appropriate for carrying into effect the provisions of Section 15 of Article XII of the Constitution of the State of Montana, as the same was amended at the General Election held in November, 1916, and shall embody such recommendation in the form of a proposed bill, to be introduced at the Legislative Session in the year 1919.

Reports of commission to be transmitted to Legislative Assembly of 1919.

Section 7. That all reports of said Commission shall, by the said State Board of Equalization, be transmitted to the Senate and House of Representatives of the Legislative Assembly of the year 1919, with such recommendations and suggestions as in the opinion of said State Board of Equalization are appropriate and essential for carrying into effect the provisions of said Section 15 of Article XII of the Constitution of the State of Montana, as amended, or for amending or supplementing any law now existing, or which may hereafter be enacted for the purpose of carrying into effect said Section 15 of Article XII of said Constitution, or for raising the necessary revenue for State purposes.

Recommendations of State Board of Equalization.

How expenses and claims shall be presented and paid.

Section 8. No money shall be paid for any of the expenses of said Commission except upon an order of the Commission, signed by the Chairman thereof and all claims shall be audited by the State Board of Examiners and paid by warrant upon the State Treasurer, drawn upon the appropriations made for the payment thereof.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1st, 1917.

CHAPTER 74.

“An Act to Create Herd Districts and Prevent Livestock Running at Large in Established Herd Districts and to Provide for the Fixing and Collection of Damages from Stock Trespassing Within the Boundaries of Such Districts and Repealing all Acts and Parts of Acts in Conflict Herewith.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Herd districts may be created in any county in the State of Montana to contain Seventy-two (72) square miles or more, lying not less than three miles in width, outside of incorporated cities, upon petition of owners or possessors of fifty-five per cent of the land in such district, provided thirty-five per cent or more of the land in said district is assessed as tillable land twenty per cent of which is in actual cultivation and upon presentation and filing of such petition, properly signed, giving outside boundaries and description of the proposed district and the postoffice address of the signers thereto, with the Clerk and Recorder of the county in which the said district is being created. The County Commissioners of such county upon receipt thereof shall set a day for hearing protests and verifying the signatures thereto and shall give not less than thirty days' notice of the same by four publications, in a newspaper of general circulation in the proposed district, and should it appear to such County Commissioners after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such herd district created and established; provided that such herd districts may be abolished at any time upon proceedings as hereinafter set forth for the establishment of such herd districts. Provided, that in no case shall the lands owned, operated or controlled by any person, persons, company or corporation, lie partly within and partly without such district where such parts are contiguous, and that in such district no person, persons, company or corporation shall be entitled to collect or receive damages for trespass of livestock on any lands owned, controlled or operated by them within such district, unless such land is enclosed by a legal fence.

Section 2. All horses, mules, cattle, sheep and goats are hereby prohibited from running at large within herd districts established except from the 15th of November to the 15th of March following as provided in this Act.

Section 3. The owners of all such stock found outside of an enclosure within herd districts formed as provided in this Act, shall pay into the general fund of the county in which such district is situated a fine of one dollar per head which may be recovered with costs before a Court of competent jurisdiction within the county wherein such herd district is situated, and it shall be the duty of the

Herd districts; creation and size of.

Number and qualification of land owners signing petition.

Petition must set forth what.

County commissioners to set day of hearing petition; and notice thereof.

Shall declare herd district established when.

District may be abolished how.

Lands shall be wholly within district.

Damages for trespass cannot be collected when.

Animals prohibited from running at large in district, when.

Amount owner of stock running at large shall pay per head.

How and where recovered.

Duty of county attorney.

County Attorney, upon a verified complaint being filed with him, to bring an action in the name of the county to recover such fine.

Damages to be paid by owner, and lien on animals.

Section 4. All damages to property committed by such stock running at large within established herd districts shall be paid by the owners of said stock, and the person whose property is so damaged thereby, may have a lien on such trespassing animals, for the full amount of damage and cost, and may enforce the collection of same, by the proper civil action brought within six months after the damages are committed.

Limitation of action to collect.

Trespassing animals may be taken up by owner of land.

Section 5. When such stock shall be found upon the lands of another within established herd districts, it shall be lawful for the owner or person in possession of said lands to impound said stock and shall be responsible therefor and if the owner of said stock can be found or is known to the person taking up said stock, it shall be his duty to notify said owner or owners in person or by leaving a written notice at his usual place of residence with some member of his family over the age of fourteen, describing such stock and stating the amount of damages claimed, and requiring him within forty-eight hours after receiving said notice to take the said property away, after making full payment of all damages and costs of the trespassing animals. Such notice may be in the following form:

Notice to owner.

Contents of notice.

Form of notice.

Mr....., you are hereby notified that on this.....day of.....19....., your stock which I now have in my possession (Here describe the animal or animals giving marks and brands) did trespass on my land, and damaged the same to the amount of \$..... You are required to pay the above charges within forty-eight hours from the delivery of this notice, or the aforesaid stock will be sold, as provided by law. I have appointed Mr.....to act as Arbitrator, should you not feel satisfied with the amount of damages claimed in the within notice.
Signature of person claiming damages.....

Claims for damages not to be maintained without notice.

Provided no claim for damages shall be maintained without the notice set forth in this section, shall have been given when the owner is known or ascertained on diligent inquiry by the person claiming damages against such stock.

Arbitration of question of damages and costs.

Section 6. In case parties cannot agree as to the amount of damages and costs sustained, each party may

choose a man and in case the two men chosen cannot agree, they may choose a third man, who after being duly sworn for the purpose herein named, the three may proceed to assess the damages possessing for the purpose the general powers of Arbitrators.

Section 7. If the owner of such stock shall refuse within forty-eight hours after having been notified in writing to pay such damages claimed or appoint an Arbitrator to represent his interests or if the owner thereof cannot be found, then the person in possession thereof shall within forty-eight hours notify the sheriff, deputy sheriff or stock inspector of the county in which such herd district is situated, and if such officer is unable to ascertain the owner thereof, such stock shall be sold as provided by law, and such person claiming damages after obtaining judgment as required by law before any Court of competent jurisdiction of the county within which said damages may have been sustained, shall receive from the proceeds of such sale the amount of damages and cost decreed by such Court. Provided, however, that the owner or person in charge of such stock may at any time file a sufficient bond, with the proper Court of jurisdiction to cover the damage sustained by persons in possession of such stock and all costs in connection therewith, and such Court shall issue an order delivering such stock into the possession and control of such owner or person in charge.

When and how
stock may be
sold.

Distribution of
proceeds of sale.

When stock may
be delivered to
owner after giv-
ing bond for
damages.

Section 8. Any person or persons not the owner or person in charge of any livestock, who shall drive, put, place or introduce any livestock into any herd district established under the provisions of the Act, or who shall so place, move or interfere with such livestock that they will trespass on such herd district, shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not less than Fifty Dollars, or shall be confined in the county jail not less than sixty days or both such fine and imprisonment, and shall be liable for all damages and costs accruing from such trespass; and for the purpose of this Act, each separate animal so moved, placed or interfered with shall constitute a separate offense.

When driving or
introducing stock
into herd district
a misdemeanor.

Penalty.

Separate
offenses.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3rd, 1917.

CHAPTER 75.

“An Act to Provide for the Registration and Identification of Motor Vehicles and Operators Thereof, and Providing for the Regulation of All Vehicles Operating upon the Public Highways of the State and Providing Penalties for the Violation of the Provisions of this Act, and Providing for the Disposition of all Funds Collected Thereunder, and Repealing the Provisions of Chapters 71 and 73 of the Laws of the Thirteenth Legislative Assembly, and Chapter 65 of the Laws of the Fourteenth Legislative Assembly.”

Be it enacted by the Legislative Assembly of the State of Montana:

Secretary of
State to be Reg-
istrar of motor
vehicles.

Record to be
kept by.

Record of motor
vehicles shall
show what.

Record of deal-
ers shall show
what.

Registrar
shall provide.

Blank applica-
tion forms.

Registration cer-
tificates; form
and contents.

Section 1. a. Secretary of State shall keep records. That the Secretary of State be and is hereby constituted the Registrar of Motor Vehicles, of motor dealers, and of chauffeurs, and that as such it shall be his duty to keep a record as hereinafter specified of all motor vehicles, of every kind, of all dealers in motor vehicles, and of chauffeurs, and to assign to each a distinctive serial registration number.

b. Record of Motor Cars. In the case of motor vehicles the record shall show the following: Name of owner, residence by county, business address, manufacturer of car, manufacturers' designation of style of car, manufacturers' serial number, year of manufacture, character of motive power, manufacturers' horse power rating, and the distinctive serial number assigned such car, also whether or not to be used exclusively for commercial purposes, and if so, manufacturers' rating of load carrying capacity, and such other information as may from time to time be found desirable.

c. Record of Dealers. In the case of dealers the record shall show the name of the applicant, his residence, and address by town and county, his business address, and the distinctive number assigned him.

Section 2. Registrar of Motor Vehicles Shall Provide. It shall be the duty of the Registrar of Motor Vehicles to provide the following:

a. Application Blanks. Blank application forms outlining and providing for the information needed in each class of registration required, and to furnish these upon request to applicant for registration.

b. Registration Certificate Blanks. Registration certificates in folder or pamphlet form with cloth cover and

of convenient size for the pocket. These forms to contain in addition to the information show upon the registration record, a copy of the speed and traffic regulations hereinafter prescribed.

c. **Chauffeur's License Blanks.** License certificate blanks for chauffeurs similar in form to registration certificates. These forms to contain in addition to blank space for the information shown upon the chauffeur's registration record, copies of Sections 6, 7, and 9 hereof. blank space for the record of conviction under any of the provisions of this article, and a space for the chauffeur's signature.

Chauffeur's license to contain what.

Section 3. Number Plates. Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the Registrar of Motor Vehicles. Such number plates shall be in four series; one series for owners of motor cars, one for owner of motor vehicles of the motor-cycle type, and one for dealers in each of the two types of vehicles above named. All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state. In the case of motor cars, number plates shall be of metal at least five inches wide and not less than thirteen inches in length, and there shall be the abbreviation of the State—Mont.—and in the lower left hand corner the number of the year for which the plate is issued. The back ground of this part of the plate shall be of a distinctive color each year which color shall be designated by the Registrar of Motor Vehicles. To the right of these and covering the body of the plate shall be the distinctive registration number of the motor vehicle for which the number plate is issued. The numerals shall be four inches high and each stroke shall be at least half an inch in width. For vehicles of the motor-cycle type the number plate shall be similar in all respects to those for motor cars, except that the metal plate shall not be less than three inches wide and not less than nine inches long, and that the numerals thereon shall be two inches high and the individual strokes thereof not less than one-half inch wide. The abbreviation—Mont.—and the number of the year shall be placed at the top of the plate. For the use of dealers the number plates shall be essentially as those for motor cars and motor cycles except that to the right of the serial number the plate

Number plates to be displayed on cars, bearing what.

Number plate series.

Plates to be renewed annually.

Size of plates for motor cars.

Different color each year.

Form and contents of plates.

Motor-cycle plates; form and size.

Dealers plates, form and size.

shall contain the letter "D," such letter to be of the same height and size as the figures composing the serial number.

Duty of registrar upon receiving registration fee.

Section 4. a. Chauffeur's Badges. Upon receiving by mail or otherwise an application in any one of the four classes above names duly executed in proper form and accompanied by registration fee, such registrar of motor vehicles shall cause to be entered the information contained therein upon the corresponding record, shall assign to the applicant a registration number and shall furnish the applicant a registration certificate corresponding to the registration number assigned him, or if the applicant be a Chauffeur subject to conditions hereinafter named, he shall furnish him a badge suitable in size and shape for regular wear, and license certificate numbered to correspond with the serial number assigned him. All of the foregoing shall be furnished to the applicant without cost or expense other than the registration fee hereinafter provided.

Chauffeur's badge and license certificate.

No charges for plates, badges, etc.

Records to be open when.

b. Records shall be open to inspection. All records provided for in the foregoing shall be open to inspection during all reasonable business hours, and the registrar of motor vehicles shall furnish the information from said record upon payment by the applicant of the cost of transcribing the information asked for.

Fees for transcript of records.

Duty of owners of motor vehicles to make application for registration.

Section 5. a. Duties of owners to file application. Every owner of a motor vehicle operated or driven upon the public highways of this state shall for such motor vehicle owned, except as herein otherwise expressly provided, cause to be filed by mail or otherwise at the office of the registrar of motor vehicles verified application for registration on a blank to be furnished by the registrar of motor vehicles for that purpose and containing the information therein called for. Application must be accompanied by the registration fee hereinafter named, registration must be renewed and fees paid annually, and application for re-registration must be filed with the registrar of motor vehicles not later than January 1st, of each year.

Fee must accompany application.

Application for re-registration to be filed when.

Application and blank for dealer's registration.

Fee for dealers in motor cars.

b. Dealers Registration. Every person, firm, association or corporation dealing in motor vehicles may, instead of registering each motor vehicle handled, make a verified application upon a blank to be furnished by the registrar of motor vehicles for registration as a dealer. Upon filing such application in due form blanks furnished for

the purpose accompanied by a registration fee of Fifty (\$50.00) Dollars in case of a dealer in motor cars, and Fifteen (\$15.00) Dollars in the case of a dealer in vehicles of the motor-cycle type exclusively, he will be assigned a distinctive serial registration number as a dealer, and will be furnished duplicate certificates of registration, and six sets of number plates, which number plates may be carried or displayed on any motor vehicle owned or controlled by such dealer when the same is operated or driven upon the public highways. Nothing in this subdivision shall be construed to apply to a motor vehicle operated by a manufacturer or dealer for private use or hire. Dealers registration must be renewed and paid for annually, and application for re-registration must be filed not later than January 1st of each year.

Fee for dealers
in motor-cycles.

Dealers to be
furnished,
what.

Sub-division
applicable to
what.

Dealers registra-
tion to be re-
newed annually.

c. Must have number plates. No person shall operate or drive a motor vehicle upon the public highways of this state unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed one on the front and one on the rear of such vehicle, each securely fastened so as to prevent the same from swinging. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as in this Act otherwise provided.

Unlawful to
operate motor
vehicle upon
public highway
without registra-
tion and plates.

No other plates
to be displayed.

d. Transfer of vehicle sold. Upon the sale of a motor vehicle registered in accordance with this section by other than a dealer, the vendee shall within ten days after the date of such sale notify the registrar of motor vehicles of the same, stating the name and business address of the previous owner, if known, the number under which such motor vehicle is registered, and the name, residence and business address of such vendee. Upon filing such statement accompanied by a filing fee of One (\$1.00) Dollar with the registrar of motor vehicles, the latter shall note upon the registration record such change of ownership.

Transfer of reg-
istration.

Duty of vendee.

Transfer fee.

e. Replacing number plates of certificates. In the event of loss, mutilation or destruction of a certificate of registration or number plate, the owner of the registered motor vehicle may again register with the registrar of motor vehicles and receive a new number upon filing in the office of the registrar of motor vehicles a sworn declaration showing the fact, and payment of a fee of One Dollar for such registration. The original registration shall thereupon be cancelled.

Replacing lost or
destroyed plates
and registration
certificate.

Fee for same.

License fee may
be paid to dealer
when.

Duty of dealer or
manufacturer
upon receiving
fee.

Temporary
license plate.

Registration not
required of
sojourning non-
residents.

When registra-
tion fees shall be
paid.

Motor cars of
23 horse power
or less.

Horse power over
23 and less than
50.

Motor trucks,
horse power and
licenses, rated.

Disposition of
fees collected.

To counties.

To State High-
way fund.

Expenditure of
Highway fund.

f. Upon sale of a motor vehicle by a manufacturer or dealer, the purchaser shall pay to said manufacturer or dealer the amount of the license fee. The manufacturer or dealer must immediately forward said fee to the registrar of motor vehicles together with a description of said vehicle as required, upon blanks furnished by said registrar. During the time intervening, the dealer may furnish the purchaser a temporary license plate upon which shall be printed the words, "License applied for." These temporary plates to be of pasteboard and furnished by the registrar of motor vehicles.

g. Exemption of non-resident owners. The provisions of the foregoing sections relative to registration and display of registration number shall not apply to a motor vehicle owned by a non-resident of this state temporarily sojourning in this state.

Section 6. a. Registration fees shall be paid to the registrar of motor vehicles upon registration or re-registration of motor vehicles in accordance with this article as follows:

Motor vehicles other than motor trucks having a rated engine capacity not exceeding 23 horse power (according to the S. A. E. Formula)..... 5.00

Motor vehicles other than motor trucks having a rated engine capacity exceeding 23 horse power and not exceeding fifty horse power (according to the S. A. E. Formula).....10.00

All motor vehicles other than motor trucks having a rated engine capacity exceeding fifty horse power (according to the S. A. E. Formula).....15.00

Trucks not over one ton capacity..... 5.00

Trucks over one and not over two ton capacity....15.00

Trucks over two and not over three ton capacity..25.00

Trucks over three ton capacity.....40.00

The Registrar of Motor Vehicles shall first deduct from all fees paid under the provisions of this Act, the actual cost of making and mailing all license tags and identification marks; of the remainder of the fees so paid, he shall transmit twenty-five per cent thereof to the county from which the application of fee came, for deposit to the credit of the general road fund of said county. The remaining seventy-five per cent he shall transmit to the State Treasurer to be deposited to the credit of the State Highway Fund. Of the fees thus received by the State Treasurer for the State Highway Fund, one third shall

be held for expenditure in the counties from which the fees originated, under the direction of the State Highway Commission. The registrar of motor vehicles shall furnish monthly statements of fees and their origin, to the State Treasurer and the State Highway Commission.

Monthly statement of Registrar.

b. If any motor vehicle is originally registered after August 1st, the registration fee for the balance of that year shall be one-half of the regular fee above given.

One-half fee to be charged for year after August first.

c. The provisions of this Act with respect to payment of registration fees shall not apply or be binding upon motor vehicles owned or controlled by the United States of America or by any State, city, county or department thereof; but in all other respects the provisions of the Act shall be applicable and binding upon cars so owned.

Publicly owned motor vehicles excluded from paying fees.

Section 7. Speed Regulations.—Every person operating or driving a vehicle of any character on a public highway of this state shall drive the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of the street or highway. Provided, however, that cities and towns may by ordinance, regulate speed and traffic upon the streets, within the incorporated limits.

Limitation to speed on highways.

Cities and towns may regulate speed and traffic.

Section 8. Traffic Regulation.—Every person operating or driving a vehicle of any character upon a public street or highway of this state must observe the following traffic regulations:

Traffic regulations.

a. Traffic must everywhere and at all times keep to the right. Vehicles moving in opposite directions must pass each other by turning to the right. Vehicles moving in the same direction must pass by turning to the left on the part of the one passing and turning to the right on the part of the one being passed. At all times, curves, corners and crossings, and particularly where the view is in any manner obstructed both in cities and towns and in the country, vehicles must slow down and be under complete control and must keep to the right, so that if the width of the road permits, there is room on their left for the passing vehicle that may at any time suddenly or unexpectedly appear.

Rules of the road.

Traffic regulations in cities and towns.

Turning corners.

Turning to the left between short corners.

Permitting following vehicles to pass.

Passing street cars standing still.

Appliances required.

Brakes.

Signaling devices.

Required lights.

b. In Cities or Towns.—In cities, towns or villages where traffic is heavy, slow moving traffic must keep as near as possible to the curb. Vehicles turning corners to the right must keep close to the right hand curb; in turning to the left, vehicles must keep to the right and swing full around the intersection of the center lines of the street. The operator or driver of any vehicle desiring to turn to the left must warn all following by extending his arm full from the shoulder for a period of not less than two seconds and sufficiently in advance of turning to enable anyone following to stop or make the necessary change in course.

c. Allowing faster vehicles to pass.—The operator or driver of any vehicle upon a public highway upon being overtaken by another vehicle and receiving a signal or notice from the operator or driver of the vehicle in the rear that he desires to pass must without unnecessary delay make every reasonable effort to permit him to do so.

d. No motor vehicle operating upon a public street or highway of this state shall pass a street car which has stopped to receive or discharge passengers at a less distance than eight feet, nor at a speed greater than six miles per hour.

Section 9. Accessories Required.—Every motor vehicle operated or driven upon the public highways of this state shall be provided with the following accessories:

1. Two sets of independently operated brakes in good working order, either one of which sets must be sufficient to stop the drive wheels of the car and prevent them from turning while the car is in motion.

2. A horn or other device for signaling, sufficient under all reasonable conditions to give timely warning of the approach of the motor vehicles.

3. During the period between one hour after sunset and one hour before sunrise, every motor vehicle of the three or four wheeled type shall display two white lights in front (one on each side) and one light in the rear. Every motor vehicle of the motorcycle or two wheeled type shall display one white light in front and one light in the rear, which said rear lights in both classes of motor vehicles shall display red rays visible to the rear and shall throw white light upon the number plate carried on the rear of such vehicle and illuminate the same so that the number will be clearly visible at a distance of one

hundred feet. The light of the front lamps shall be visible at least two hundred feet in the direction in which the motor vehicle is proceeding.

Section 10. Chauffeur's License.—a. Application for licenses to operate motor vehicles as a chauffeur, may be made by mail, or otherwise, to the registrar of motor vehicles or his duly authorized agents, upon blanks prepared under his authority. Such application shall be verified and shall be accompanied by a fee of Two Dollars. Such application shall state the age of the applicant and whether or not such applicant has ever been convicted of a felony, and no license shall be issued to any person who has ever been convicted of a felony. To each person to whom a license is granted the registrar of motor vehicles shall furnish without cost other than the license fee herein prescribed, a license certificate in the form prescribed in Section 2 hereof, and a suitable metal badge bearing the distinguishing number or mark assigned to him. This badge shall thereafter be worn by the chauffeur affixed to his clothing in a conspicuous place at all times while he is operating or driving a motor vehicle upon public highways. Such badge shall be valid only during the term of the license of the chauffeur to whom it was issued, as aforesaid. Every person licensed to operate vehicles as chauffeur under this article shall endorse his usual signature on the margin of the license issued to him immediately upon the receipt of said license, and such license shall not be valid until so endorsed. All licenses issued hereunder shall expire January first of each year, and shall be renewed annually. The registrar of motor vehicles may refuse to issue or renew a license if he deem the applicant not qualified to receive such a license, but the action of the registrar of motor vehicles may be reviewed by the Courts under writ of certiorari or other appropriate remedy.

Chauffeur's license, application for.

Fee for.

Contents of application.

To whom license shall not be issued.

Badge to be furnished chauffeurs.

How badge to be worn.

Licensee must sign license.

Licenses to expire January first.

When Registrar may refuse to issue a new license.

Court may review action.

b. Unlicensed Chauffeurs.—No person shall operate or drive a motor vehicle as a chauffeur upon a public highway of this state, unless such person shall have complied in all respects with the requirements of this section; provided, however, that a non-resident who has registered and is licensed under the provisions of the law of the foreign country, state, territory or federal district of his residence shall be exempt from license under this section; on condition that he shall wear the badge assigned to him in the foreign country, state, territory, or federal

Chauffeurs forbidden to drive without a license.

Non-resident chauffeurs.

When non-resident chauffeurs to be required to obtain license.

district of his residence, in the manner provided in this section. The provisions of this section, however, shall be operative as to a chauffeur who is a non-resident of this state, only to the extent that under the laws of the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted to persons duly licensed and registered as chauffeurs under the laws of this state and who are residents of this state.

Unlawful to wear a chauffeur's badge issued to another person.

c. Use of badge by another.—No chauffeurs having been licensed as herein provided shall voluntarily permit any other person to possess or use his license or badge; nor shall any person operating or driving a motor vehicle use or possess any license or badge belonging to another person, or a fictitious license or badge.

Unlawful for chauffeur to receive any discount or bonus in purchasing supplies, etc., for owner.

d. No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take directly or indirectly any bonus, discount or other consideration for the purchase of supplies or parts of such motor vehicle or for work done thereon by others; and no person furnishing such supplies or parts, work or labor, shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, either directly or indirectly, any bonus, discount or other consideration.

Unlawful to give such discounts or bonuses.

Conviction of chauffeur for violating article to be endorsed on license card.

e. Endorsing conviction on license cars.—Upon the conviction of any chauffeur of a violation of any provision of this article, it shall be the duty of the Court or Judge or other judicial officer before whom such chauffeur is convicted to endorse such conviction on such license card with the date of the conviction and the character of the offense in the space provided for such endorsement.

Lost or mutilated license card or chauffeur's badge to be replaced how.

f. Loss of license, certificate or badge.—In the event of the loss, mutilation or destruction of a chauffeur's license card or of chauffeur's badge, such chauffeur may again register with the registrar of motor vehicles and receive a new license card or chauffeur's badge upon filing in the office of the registrar of motor vehicles an affidavit showing the fact and the payment of a fee of One Dollar. The original registration shall thereupon be cancelled.

Violations of Act a misdemeanor.

Penalty.

Section 11. Penalties for Violation.—a. The violation of any of the provisions of this Act shall constitute a misdemeanor, punishable by a fine of not exceeding One Hundred Dollars. The third or subsequent conviction for

violation of the provisions of this Act, by a licensed and registered chauffeur, may be punishable by the suspension of the right to operate a motor vehicle as a registered and licensed chauffeur under the provisions of this Act, for a period of not more than six months; and the registrar of motor vehicles upon the recommendation of the trial court, shall forthwith revoke the license of the person convicted, and no new license shall be issued to such person for at least six months after the date of such conviction, nor thereafter, except in the discretion of the registrar of motor vehicles. Nothing herein contained shall prevent the indictment of a person so violating for an offense committed under any other law.

Punishment upon subsequent convictions.

Revocation of license on court's recommendation.

b. Reporting conviction to registrar of motor vehicles. Upon the conviction of any person for a violation of any of the provisions of this Act, the magistrate or other judicial officer before whom the proceedings are held, shall immediately certify the fact of the case, including the name and address of the offender, the character of the punishment and the amount of any fine imposed and paid, to the registrar of motor vehicles who shall enter the same either in the book or index of licensed chauffeurs as the case may be, opposite the name of the person convicted and in the case of any other person, in a book or index of offenders to be kept for such purposes, in alphabetical order. If any such conviction shall be so reversed upon appeal therefrom, the person whose conviction has been so reversed may serve on the registrar of motor vehicles a certified copy of the order of reversal, whereupon the registrar of motor vehicles shall enter the same in the proper book or index in connection with the record of such conviction.

Duty of court to report convictions under Act to the Registrar.

Duty of Registrar to enter note of conviction of chauffeur.

Certificate of reversal of conviction.

c. It is hereby made mandatory upon all peace and police officers of the State, of the counties of the State and of towns, cities and villages, to carry out the provisions of this Act and arrest the drivers or owners of any motor vehicle being used or driven in violation of any of the provisions of this Act.

Duty of peace officers to enforce Act.

Section 12. Definitions.—The term “motor vehicle” as used in this Act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, other than road rollers, fire wagons and engines, police patrol wagons, public ambulances, and such vehicles as run only upon rails or tracks. The term “local authorities” shall include all

“Motor Vehicle” defined.

“Local Authorities” defined.

officers of counties, cities, boroughs, towns, or villages, as well as all boards, committees and other public officials of such counties, cities, boroughs, towns, or villages. The term "chauffeur" shall mean any person operating or driving a motor vehicle for hire, or as an employee, but shall not be held to include an employee whose ordinary employment does not include the driving of any motor vehicle, even though such employee should be temporarily engaged in driving a motor vehicle. The term "state" as used in this article, except where otherwise expressly provided, shall also include the territories and federal districts of the United States. The term "owner" shall also include any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway or public place in any county, city, borough, town or village except any speedway which may have been or may be expressly set apart by law for the exclusive use of horse and light carriages. The word "operator" shall mean any person who operates a motor vehicle other than chauffeur. The term "Motor truck" shall include all motor vehicles used for commercial purposes in carrying freight.

"Chauffeur" defined.

"State," as used in Act, defined.

"Owners" defined.

"Public Highways" defined.

"Operator" defined.

"Motor truck" defined.

Repealing clause.

Section 13. The provisions of Chapters 71 and 73 of the laws of the Thirteenth Legislative Assembly of the State of Montana and of Chapter 65 of the Fourteenth Legislative Assembly, and Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 14. This Act shall be in full force and effect April 1st, 1917.

Approved March 3, 1917.

CHAPTER 76.

"An Act to Amend Section 2973, Revised Codes of Montana, 1907, as Amended by Chapter 70 of the Laws of the Fourteenth Legislative Assembly, Relating to the Classification of Counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2973 of the Revised Codes of Montana, 1907, as amended by Chapter 70 of the Laws

of the Fourteenth Legislative Assembly, be amended so as to read as follows:

“Section 2973. For the purpose of regulating the compensation and salaries of all county officers not otherwise provided for and fixing the penalties of officers’ bonds. The several counties of this state shall be classified according to the assessed valuation thereof as follows:

Classification of counties.

1st. All counties having an assessed valuation of fifty million dollars or over.

2nd. All counties having an assessed valuation of thirty million dollars and less than fifty million dollars.

3rd. All counties having an assessed valuation of more than twenty million and less than thirty million dollars.

4th. All counties having an assessed valuation of more than fifteen million and less than twenty million dollars.

5th. All counties having an assessed valuation of more than ten million and less than fifteen million dollars.

6th. All counties having an assessed valuation of more than five million and less than ten million dollars.

7th. All counties having an assessed valuation of less than five million dollars.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 77.

“An Act to Provide Ways and Means of Compelling Support of a Wife, Child or Children, Ward or Wards, by the Husband, Parent or Guardian, and Providing Penalties for Failure to so Provide, and Repealing Section 8345 of the Revised Codes of Montana of 1907.”

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That every person who:

1st. Having any child under the age of sixteen years, dependent upon him or her for care, education or support willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter or medical attention for his or her child or children, or ward or wards; or

Willfully neglecting to support dependent child under sixteen years of age.

2nd. Having sufficient ability to provide for his wife’s support, or who is able to earn the means for such wife’s support, who willfully abandons and leaves his wife, in

Willfully abandoning, leaving or failing to support wife.

a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter or medical attendance, unless in the judgment of the court or jury he is justified in abandoning her by her misconduct;

A misdemeanor.

Shall be guilty of a misdemeanor.

Section 2. In any case enumerated in the previous section, the Court may render one of the following orders:

Order of court in case a fine is imposed.

1st. Should a fine be imposed, it may be directed by the Court to be paid in whole or in part to the wife, or to the guardian or custodian of the child or children, or to an individual appointed by the Court as Trustee;

Order to pay a weekly sum for care of wife or child.

2nd. Before trial, or after conviction, with the consent of the defendant, the Court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly, during such time as the Court may direct, to the wife, or to the guardian, or to the custodian of the minor child or children, or to an individual appointed by the Court, and to release the defendant from custody or probation during such time as the Court may direct, upon his or her entering into an undertaking, with or without sureties, in such sum as the Court may direct; the condition of the undertaking to be such that if the defendant shall make his or her appearance in Court whenever ordered to do so, and shall further comply with the terms of the order, and of any subsequent modification thereof, then the undertaking shall be void, otherwise to remain in full force and effect;

Release of defendant upon bond.

Condition of undertaking.

When defendant shall be compelled to work on public highway.

3d. Where conviction is had, and sentence to imprisonment in the county jail is imposed, the Court may direct that the person so convicted shall be compelled to work upon public roads or highways, during the time of such sentence, or such other work as the Court may order, and it shall be the duty of the Board of County Commissioners of the County where such conviction and sentence is had, and where such work is performed by persons under sentence to the county jail, to allow and order the payment out of the current fund, to the wife, or to the guardian or to the custodian of the child or children, or to an individual appointed by the Court as Trustee, at the end of each calendar month, for the support of such

County commissioners shall pay, monthly, to the wife, child, etc., value of defendant's labor, as wages.

wife, child or children, ward or wards, the current wages paid for such labor, less the expense incurred by the County for the maintenance and safekeeping of such convicted person.

Section 3. Proof of the abandonment or non-support of a wife, or the omission to furnish necessary food, clothing, shelter or medical attendance for a child or children, ward or wards, is prima facie evidence that such abandonment or non-support or omission to furnish necessary food, clothing, shelter or medical attendance is wilful.

Prima facie evidence of willfulness.

Section 4. That Section 8345 of the Revised Codes of Montana of 1907, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1917.

CHAPTER 78.

“An Act to Amend Section 8346, Revised Codes of 1907, Concerning the Desertion or Abandonment of Children and Prescribing Penalties.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8346 of the Revised Codes of the State of Montana of 1907, is hereby amended to read as follows:

Amending clause.

Section 8346. “Every parent or guardian of any child or children under fifteen years of age who deserts or abandons such child or children without providing necessary and proper shelter, food, care, and clothing for such child or children, shall, upon conviction, be deemed guilty of a felony, and punished by imprisonment in the State prison not exceeding seven years, or by imprisonment in the county jail not exceeding one year. The court may suspend such sentence if the defendant shall furnish a bond in such penal sum, and with such surety or sureties as the court may fix, conditioned that he will furnish his child or children with necessary and proper shelter, food, care and clothing. In case of failure to comply with the conditions of such bond, the court may order such person to appear before the court and show cause why sentence should not be imposed, whereupon

Abandonment and failure to provide for child under fifteen years of age a felony.

Penalty.

Suspension of sentence upon bond being furnished.

Failure to comply with conditions of bond.

the court may pass sentence or may modify the order and take a new bond and further suspend sentence as may be just and proper."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 79.

"An Act to License Certain Corporations for the Exclusive Use and Benefit of the State of Montana, Fixing the License Fee for Engaging in Business and Providing a Method of Collecting such License Fee, and Repealing Section 2773 of the Revised Codes of the State of Montana of 1907 as Amended by the Act Approved March 1, 1911, Entitled, 'An Act to Amend Section 2773 of the Revised Codes of the State of Montana of 1907 and Sections 2774 and 2777 of the Revised Codes of Montana of 1907.'"

Be it enacted by the Legislative Assembly of the State of Montana:

License fee of
domestic corpora-
tions.

One per centum
of net income.

Sources of
income.

License fee of
foreign corpora-
tions.

One per centum
of total net
income.

Section 1. Every corporation except as hereinafter provided organized and existing under the laws of the State of Montana and engaged in business therein, shall annually pay to the State Treasurer, as a license fee for carrying on business in said State of Montana, one per centum upon the total net income received by such corporation in the preceding fiscal year from all sources within the State of Montana, including interest on bonds, notes or other interest bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock or from net earnings of resident corporations whose net income is taxable under this title; and every corporation except as hereinafter provided, organized and existing under the laws of any other state or country, or the United States, and engaged in business in the State of Montana, shall annually pay for the exclusive use and benefit of the State of Montana a license fee for carrying on its business in the State of Montana of one per centum upon the total net income received by such corporation in the preceding fiscal year from all sources within the State of Montana, including

the interest on bonds, notes or other interest bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock or from net earnings of resident corporations, joint stock companies or associations whose net income is taxable under this title, provided, however, that in the case of a corporation engaged in interstate commerce the license fee shall be based upon the net earnings of said corporation derived from its intrastate business in the State of Montana only.

License fee of corporations engaged in interstate commerce.

There shall not be taxed under this title any income received by any

Corporations and organizations excluded from Act.

First. Labor, agricultural or horticultural organization;

Labor, agricultural, etc., organizations.

Second. Mutual savings bank not having a capital stock represented by shares;

Mutual savings banks without shares.

Third. Fraternal beneficiary society, order or association operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident or other benefits to the members of such society, order, or association or their dependents;

Fraternal benefit societies, orders, etc.

Fourth. Domestic building and loan associations or co-operative bank without capital stock organized and operated for mutual purposes and without profit;

Domestic building and loan associations.

Fifth. Cemetery company owned and operated exclusively for the benefit of its members;

Cemeteries not for profit.

Sixth. Corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

Religious and charitable associations.

Seventh. Business league, chamber of commerce, or board of trade, not organized for profit and no part of the net income of which inures to the benefit of any private stockholder or individual;

Boards of trade, chambers of commerce, etc.

Eighth. Civic league or organization not organized for profit but operated exclusively for the promotion of social welfare;

Civic leagues, etc.

Ninth. Club organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net income of which inures to the benefit of any private stockholder or member;

Social clubs.

Tenth. Farmers' or other mutual hail, cyclone, or fire

Farmers mutual
bail insurance
and other co-
operative com-
panies.

insurance company, mutual ditch or irrigation company, mutual or co-operative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses;

Farmers, fruit
growers and like
associations.

Eleventh. Farmers', fruit growers' or like associations, organized and operated as a sales agent for the purpose of marketing the products of its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them;

Property holding
companies.

Twelfth. Corporation or association organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title; or

Federal farm
loan associations.

Thirteenth. Federal land banks and national farm-loan associations as provided in section twenty-six of the Act of Congress approved July seventeenth, nineteen hundred and sixteen, entitled, "An Act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm-loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes."

Fourteenth. Joint stock land banks as to income derived from bonds or debentures of other joint stock land banks or any Federal land bank belonging to such joint stock land bank;

Public utilities
owned by any
sub-division of
state govern-
ment.

Fifteenth. In determining the license fee to be paid under this Act there shall not be included any earnings derived from any public utility managed or operated by any subdivision of the State or from the exercise of any governmental function;

Brewers, manu-
facturers, etc.
who pay certain
licenses.

Sixteenth. Corporation engaged in the business of brewing or manufacturing malt liquors or distilling, manufacturing or rectifying spirituous liquors which pay a license under the provisions of Sections 2770 and 2771 of the Revised Codes of Montana of 1907.

Net income of
corporations do-
ing business
wholly within
state, how
ascertained.

Section 2. In the case of a corporation engaged in business wholly within the State of Montana, such net income shall be ascertained by deducting from the gross

amount of its income received within the year from all sources—

First. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

Expenses allowed.

Second. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade. No deduction shall be allowed for any amount paid out for any buildings, permanent improvements or betterments made to increase the value of any property or estate and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Losses allowed.

No allowance for any buildings, permanent improvements, etc. to increase value of property, or for restoring exhaustion.

Third. The amount of interest paid within the year on its indebtedness to an amount of such indebtedness, not in excess of the sum of (a) the entire amount of the paid up capital stock outstanding at the close of the year, or if no capital stock, the entire amount of capital employed in the business at the close of the year, and (b) one-half of its interest-bearing indebtedness then outstanding. For the purpose of this Act preferred capital stock shall not be considered interest-bearing indebtedness and interest or dividends paid upon this stock shall not be deductible from gross income. In cases wherein shares of capital stock are issued without par or nominal value the amount of paid up capital stock within the meaning of this section as represented by such shares will be the amount of cash or its equivalent paid or transferred to the corporation as a consideration for such shares. In the case of indebtedness wholly secured by property collateral, tangible or intangible, the subject of sale or hypothecation in the ordinary business of the corporation, as a dealer only in the property constituting such collateral or in loaning the funds thereby procured, the total interest paid by such corporation within the year on any such indebtedness may be deducted as a part of its expenses of doing business, but interest on such indebtedness shall only be deductible on an amount of such

Interest paid on indebtedness.

No allowance for interest or dividend paid on preferred stock.

Where shares are issued without par value.

Interest paid on certain secured indebtedness.

Interest paid on bonds, etc., issued with guarantee against payment of taxes, not allowed.

Interest paid by banks on deposits.

Taxes and licenses imposed by United States and foreign countries, or this state.

Arbitrary deduction of \$10,000.00.

Corporations doing business partly in this state.

Ordinary and necessary expenses.

Losses in business conducted within state, not insured.

Wear and tear of property.

New buildings and permanent improvements to increase value of property.

indebtedness in excess of the actual value of the property collateral. In the case of bonds or other indebtedness which have been issued with a guarantee that the interest payable thereon shall be free from taxation, no deduction for the payment of the license fee herein imposed or any other tax or license fee paid pursuant to such guarantee shall be allowed. In the case of a bank interest paid within the year on deposits of any moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank shall be allowed.

Fourth. Taxes and license fees paid within the year imposed by authority of the United States or its territories or possessions, or any foreign country, or under the authority of this State or any county, school district or municipality or other taxing subdivision of this State, not including those assessed against local benefits.

Fifth. And in addition to the foregoing deductions, every such corporation shall also have the right and privilege of making an additional arbitrary deduction of the sum of ten thousand (\$10,000.00) dollars.

Section 3. In the case of a corporation engaged partly in business within the State of Montana and partly within any other state or territory of the United States or any foreign country, the net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources within the State of Montana, other than the income derived from interstate commerce.

First. All the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the State of Montana, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity.

Second. All losses actually sustained within the year in business or trade conducted by it within the State of Montana, and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade within the State of Montana. No deduction shall be allowed for any amount paid out for new buildings, permanent improvements or betterments made to increase the value of any property or estate, and

no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Third. The amount of interest paid within the year on its indebtedness in the business carried on in the State of Montana to an amount of such indebtedness not in excess of the proportion of the sum of (a) the entire amount of the paid up capital stock outstanding at the close of the year, or if no capital stock, the entire amount of the capital employed in the business at the close of the year and but one-half of its interest-bearing indebtedness then outstanding which the gross amount of its income for the year from business transacted and capital invested within the State of Montana bears to the gross amount of its income derived from all sources within and without the State of Montana. In case of bonds or other indebtedness which have been issued with a guarantee that the interest payable thereon shall be free from taxation, no deduction for the payment of the license fee herein imposed or any other tax paid pursuant to such guarantee shall be allowed.

Limitation on amount of interest to be deducted.

Bonds, etc., issued with guarantee to be free of taxes.

Fourth. Taxes paid within the year imposed by the State of Montana or by any county, school district or municipality or other taxing subdivision of the State of Montana, not including those assessed against local benefits.

Taxes paid.

Fifth. And in addition to the foregoing deductions every such corporation shall also have the right and privilege of making an additional arbitrary deduction of the sum of ten thousand (\$10,000.00) dollars.

Arbitrary deduction of \$10,000.00.

Provided, however, that as to any corporation engaged in both intrastate and interstate commerce, the net earnings from intrastate business in Montana, so far as expenses of maintenance and operation are concerned, shall be determined by deducting from the gross earnings from intrastate business in Montana such portion thereof as the total expenses of such corporation for maintenance and operation, both within and without the State of Montana, are of the gross earnings of such corporation from all sources both within and without the state; provided, further, that as to any such corporation the deduction for interest shall be such portion of all interest paid on the entire indebtedness of such corporation as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all

Determination of net earnings of corporations engaged in intra and interstate business.

Deduction of what interest paid.

Deduction of
taxes paid.

sources, both within and without the state, and the deduction for taxes shall be such portion of all taxes paid by such corporation in Montana as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all sources within the state, and otherwise the foregoing provisions with reference to deductions shall apply.

License tax to be
computed upon
what income.

Corporation may
designate day of
close of its fiscal
year.

Notice of design-
ated day to be
given when.

Duty of every
corporation to
make accurate
returns.

Net income re-
turns to be made
in 1917 before
May first.

Verification of
returns.

When to be made
after the year
1917.

Section 4. The license fee shall be computed upon the total net income of the corporation received within each preceding calendar year ending December 31st, provided that any corporation subject to this license fee may designate the last day of any month in the year as the day of the close of its fiscal year, and shall be entitled to have the license fee payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment, and it shall give notice to the State Treasurer of the day it has thus designated as the close of its fiscal year at any time not less than thirty days after the first day of January of the year in which its return would be filed if made upon the basis of the calendar year.

Every corporation, subject to the license fee herein imposed, shall for the year ending on the 31st day of December, or for its fiscal year selected under the provisions hereof, in each year hereafter, beginning with the year 1917, render a true and accurate return of its annual net income in the manner and form to be prescribed by the State Treasurer with the approval of the State Board of Equalization and containing such facts, data and information as are appropriate and in the opinion of the State Treasurer necessary to determine the correctness of the net income returned and to carry out the provisions of this Act. For the purpose of fixing the license fee to be paid for the year 1917 every corporation subject to the license fee herein imposed shall make the required return as to its annual net income for the year 1916 on or before the first day of May, 1917. The return shall be sworn to by the President, Vice-President or other principal officer and by the Treasurer or Assistant Treasurer and shall be filed with the State Treasurer on or before the first day of March in each year except the year 1917, when it shall be filed on or before the first day

of May. In cases wherein receivers, trustees in bankruptcy or assignees are operating the property or business of a corporation subject to the license fee imposed by this Act, such receiver, trustee or assignee shall make the return in the same manner and form as such corporation is hereinbefore required to make return and any license fee due on the basis on such returns made by the receiver, trustee or assignee shall be assessed and collected in the same manner as if assessed directly against the corporation of whose business or property they have custody and control and shall be paid by such receiver, trustee or assignee out of the property of the company in his hands prior to the claims of creditors or stockholders.

Trustees, receivers and assignees shall make returns how.

Collection of license fees when trustee, etc., in charge of property.

Section 5. All assessments shall be made by the State Treasurer and the several corporations shall be notified of the amounts for which they are respectively liable on or before the first day of June of each successive year and said assessments shall be paid on or before the 15th day of June, provided that every corporation computing its license fee upon the income of the fiscal year which it may designate in the manner hereinbefore provided shall pay the fee due under its assessment within thirty days after the date upon which it is required to file its list or return of income for assessment. In cases of refusal or neglect to make such return and in cases of erroneous, false or fraudulent returns, in which cases the State Treasurer shall upon the discovery thereof at any time within three years after said return is due, made a return upon information obtained as provided for in this Act and the assessment made by him shall be paid by such corporation immediately upon notification of the amount of such assessment. If the license fee assessed thereunder shall not be paid by any corporation liable to pay the same under the provisions of this Act on or before the 15th day of June in any year, or within thirty days from the date on which the return of income is required to be made by the corporation, there shall be added the sum of ten per cent on the amount of the license fee unpaid and interest at the rate of one per cent per month upon said license fee from the time the same becomes due, and the State shall have a lien for the payment of such license fee, penalty and interest which said lien shall attach to any and all property owned or possessed within the State by such corporation, which lien

Assessments to be made, and notice given by State Treasurer when.

In case of refusal or neglect to make returns, power of State Treasurer.

Penalty to be added when license fee is not paid.

Lien for license fees and penalties.

may be enforced in the same manner as liens are enforced at law.

Penalty for not making returns, or making false or fraudulent returns.

Section 6. If any corporation shall refuse or neglect to make a return at the time hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation shall be liable to a penalty of not exceeding five thousand (\$5,000) dollars and may be adjudged by a court of competent jurisdiction to forfeit the right to continue to engage in business in the State of Montana as such corporation until the license fee, together with all penalties and costs, shall be paid, which forfeiture may be enforced by the Attorney General by proper proceedings in court.

Forfeiture of right to do business within state.

Filing returns and corrections in office of State Board of Equalization.

Section 7. When the assessment shall be made as provided in this title the returns, together with any corrections thereof which may have been made to the State Treasurer, shall be filed in the office of the State Board of Equalization, and shall constitute public records and be open to inspection as such only upon the order of the Governor and under rules and regulations to be prescribed by the State Board of Equalization.

Power of State Treasurer when he deems returns are under-stated.

Section 8. If the State Treasurer has reason to believe that the amount of any income returned is understated, he should give notice in writing of not less than five days to the corporation making the return to show cause why the amount of the return should not be increased, and upon proof of the amount understated may increase the same accordingly. Such corporation may furnish sworn testimony to prove any relevant fact and, if dissatisfied with the decision of the State Treasurer, may appeal to the State Board of Equalization for decision under such rules of procedure as may be prescribed by the State Board of Equalization. The State Treasurer, with the approval of the State Board of Equalization, shall have power to prescribe forms for return and notices and such other regulations as may from time to time be found to be necessary for the purpose of carrying into effect the provisions of this Act. Any jurisdiction is hereby conferred upon the District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark to compel the attendance of witnesses to testify before the State Board of Equalization, together with the production of books and such other testimony by appropriate process.

Appeals from decision of State Treasurer.

Forms for returns, notices and rules and regulations.

Jurisdiction of District Court of First Judicial district.

The adjudging of part of Act as

Section 9. If any section, subsection, subdivision, sen-

tence, clause, paragraph or phrase of this Act is for any reason held to be unconstitutional or void such decision shall not affect the validity of the remaining portions of this Act so long as sufficient remains of the Act to render the same operative and reasonably effective for carrying out the main purpose and intention of the Legislature in enacting the same as such purpose and intention may be disclosed by this Act.

unconstitutional
not to affect
validity of re-
maining portion,
when.

Section 10. That Section 2773 of the Revised Codes of the State of Montana of 1907, as amended by the Act approved March 1, 1911, entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana of 1907 relating to licenses, being Chapter 61 of the Session Laws of the Twelfth Legislative Assembly, and Sections 2774 and 2777 of the Revised Codes of the State of Montana of 1907 and all Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 80.

"An Act Prohibiting Unfair Competition or Discrimination in the Buying, Selling, Production, Manufacturing or Distribution of any Commodity or Product in General Use and Providing a Penalty for the Infraction of the Provisions Thereof, and Providing that Complaint May be Made to the Attorney General of any Violation of this Act by any Corporation and Requiring the Attorney General to Forthwith Investigate such Complaint and to Prosecute such Corporation if the Facts Ascertained by Him Warrant such Prosecution and Providing for the Annulment by the Court of the Charter of any Corporation Found Guilty of Unfair Competition or Discrimination."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person, firm, company, association or corporation either domestic or foreign, doing business in the State of Montana and engaged in the business of buying, selling, production, manufacturing or distribution of any commodity or product in general use that shall for the purpose of creating a monopoly or destroy-

Unfair discrim-
ination defined,
and declared to
be unlawful.

ing the business of a regularly established dealer in such commodity or product, or to prevent the competition of any person, firm, company, association or corporation who in good faith intends or attempts to become such dealer, shall discriminate between different persons, sections, communities or parts of the State of Montana by purchasing any commodity or product in general use at a higher rate or price in one section, city or community, or any portion thereof, then such person, firm, company, association or corporation pays for such commodity or product in another section, city or community after making due allowance for the difference, in the actual cost of transportation from the point of purchase to the point of manufacture, sale, storage or distribution, shall be deemed guilty of unfair discrimination which is hereby prohibited and declared to be unlawful.

Duty of Attorney General to make investigation when.

Section 2. If complaint shall be made to the Attorney General that any corporation is guilty of unfair discrimination as defined by this Act, he shall forthwith investigate such complaint, and for that purpose he shall subpoena witnesses, administer oaths, take testimony and require the production of books or other documents, and if, in his opinion, sufficient grounds exist thereof, he shall prosecute an action in the name of the State in the proper Court to annul the charter or revoke the permit of such corporation, as the case may be, and to permanently enjoin such corporation from doing business in this State, and if in such action the Court shall find that such corporation is guilty of unfair discrimination as defined by this Act, such Court shall annul the charter or revoke the permit of such corporation, and may permanently enjoin it from transacting business in this State.

Shall prosecute an action when and for what purpose.

Court shall annul charter or revoke permit to do business in state when.

Penalty for violating provision of Act.

Section 3. Any person, firm or corporation violating the provisions of Section One (1) of this Act, whether as principal or agent, shall, upon conviction thereof be fined not less than two hundred (\$200.00) dollars nor more than ten thousand (\$10,000) dollars, for each offense.

Act not to effect existing laws of state.

Section 4. Nothing in this Act shall be construed as repealing any other Act or part of an Act, but the remedies herein provided shall be cumulative to all other remedies provided by law.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 81.

“An Act to Change the Dates Upon Which the School Year Shall Begin and End, and the Dates upon which Certain Public School Reports shall be Rendered; Amending Sections 302, 508, 512, 607, 803, 2010, of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana; and to Amend Subdivision 1 of Section 502 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, Relating to Election of Trustees.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That paragraph 17 of Section 302 of Chapter 76 of the Session Laws of 1913, prescribing the duties of County Superintendent, be and the same is hereby amended so as to read as follows:

Amending Paragraph 17 of Section 302 Ch. 76, Laws of 1913.

“17. Annual Reports. He shall, on or before the first day of September of each year, make and transmit an annual report to the superintendent of public instruction, containing such statistics, items, and statements relative to the schools of the county as may be required and prescribed by the state superintendent. Such reports shall be made upon and conform to the blanks furnished by the state superintendent of public instruction for that purpose. He shall not be paid his salary for the last month in his official year until he presents to the county commissioners the receipt of the superintendent of public instruction for such annual report.”

County Superintendent of Schools; annual report of State Superintendent of Public Instruction.

Contents of report required.

Form of report.

Salary not to be paid until when.

Section 2. That paragraph 15 of Section 508 of Chapter 76 of the Session Laws of 1913, prescribing the duties of school boards, be and the same is hereby amended so as to read as follows:

Amending Paragraph 15 of Section 508 of said chapter.

“15. To make an annual report, as required by law, to the county superintendent on or before the first day of August in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.”

Annual report of school Board to county superintendent.

Section 3. That paragraph 4 of Section 512 of Chapter 76 of the Session Laws of 1913, prescribing the duties of district clerks, be and the same is hereby amended so as to read as follows:

Amending paragraph 4 of Section 512 of said chapter.

“4. The Clerk of the School District shall make annually between the first and twentieth day of July of each year, an exact detailed and itemized statement of all

Duties of Clerk of School district to make annual financial statement.

Statement to show what.	moneys expended by, or in behalf of the School District, which statement shall show all receipts and disbursements made on behalf of the School District from July 1st of the preceding year to July 1st of the current year.
In districts where the annual expenditures are less than \$10,000 to show what.	In districts where the annual expenditures are less than Ten Thousand (\$10,000) Dollars per annum, the Clerk shall prepare and file with the Board a detailed and itemized statement of all moneys expended, showing the number of the warrant, together with the date thereon, to whom such warrant was paid, the amount of such warrant and the purpose for which such warrant was drawn, and shall post a copy of such statement, in three conspicuous places in the district, one of which shall be on the school house of the district; and in all districts disbursing annual amounts exceeding Ten Thousand (\$10,000) Dollars, he shall cause to be published in some newspaper in general circulation published in the same county and district if there be one in such district, a copy of said statement for two consecutive issues, such publication to commence not later than the first week in August. It is hereby made the duty of the Board of County Commissioners to designate the newspaper in which said publication shall be made."
To post copy of statement when.	
To be published in what districts.	
County commissioners to designate newspaper.	
Amending Section 607 of said chapter 76.	Section 4. That Section 607 of Chapter 76 of the Session Laws of 1913, be, and the same is hereby amended so as to read as follows:
School year shall begin and end when.	"Section 607. The school year shall begin on the first day of July and end on the thirtieth day of June; provided that, in districts of the third class, the schools shall be in session not less than four months in any school year, and in districts of the first and second classes the schools shall be in session not less than nine months during any school year; provided, further, that any school district of the third class which shall fail to maintain a free school for four months during the next preceding school year, and any district of the first or second class which shall fail to maintain a free school for at least nine months during the next preceding year, or any school district that shall fail to make its annual report to the county superintendent as provided by law on or before August first of each year shall not be entitled to receive any apportionment of any school moneys. Any and all such moneys thus forfeited by any school district shall be apportioned by the county superintendent to other school districts of his county."
In districts of the Third Class.	
In districts of the First and Second class.	
Districts shall not be entitled to receive apportionment of school money when.	
Apportionment of forfeited money.	

Section 5. That the first subdivision of paragraph 3 of Section 803 of Chapter 76 of the Session Laws of 1913 be, and the same is hereby amended so as to read as follows:

"3. Every teacher employed in any public school shall make an annual report to the county superintendent on or before the tenth day of July next after the close of the school year, in the form and manner and on the blanks prescribed by the superintendent of public instruction. A copy of such report shall be furnished to the district clerk. Any teacher who shall end any school term before the close of the school year, shall make a report to the county superintendent immediately after the close of such term, and any teacher who may be teaching any school at the close of the school year shall in his annual report, include all statistics from the school register for the entire school year notwithstanding any previous report for a part of the year. Teachers shall make such additional reports as shall be required in pursuance of law by the superintendent of public instruction. No board of trustees shall draw any order or warrant for the salary of any teacher, for the last month of his services until the reports herein required shall have been made and received; provided, that in all schools acting under the direction of a city superintendent, teachers shall be required to report to such superintendent, whose report shall be accepted by the county superintendent and by the trustees in lieu of the teachers' reports; and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teachers' reports."

Amending paragraph 3 of section 803 of said chapter 76.

Teachers annual report to county superintendent.

Copy of report to be furnished to whom.
Report when teacher ends any school term before end of school year.

Contents of report at close of school year.

Additional reports may be required.

Last month's salary to be withheld when.

When reports to be made to City Superintendents.

City Superintendent's report to County Superintendent.

Section 6. That paragraph 5 of Section 2010 of Chapter 76 of the Session Laws of 1913 relating to the duties of the county treasurer be, and the same is hereby amended so as to read as follows:

Amending paragraph 5 of section 2010 of said chapter 76.

"5. To make annually, on or before the tenth day of August in each year, a financial report of the last school year and fiscal year ending June thirtieth, to the county superintendent of schools, in such form as may be prescribed by him."

County Treasurer to make annual fiscal report of last school year, when.

Section 7. That Paragraph 1 of Section 502 of Chapter 5 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly be amended to read as follows:

"1. An annual election of school trustees shall be held in each School District in the State on the first Sat-

Annual election of school trustees to be held where and when.

In Third Class districts having more than one school house.

urday in April of each year at the District Schoolhouse, if there be one, and if there be none, at a place designated by the Board of Trustees. In districts of the third class having more than one schoolhouse where school is held, one trustee must be elected from persons residing where such outside schools are located."

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 82.

"An Act Providing a Method for the Assessment and Collection of a License Fee on Private Car Companies Doing Business in This State."

Be it enacted by the Legislative Assembly of the State of Montana:

Private car company defined.

Section 1. Any person or persons, joint stock company or corporation, wherever organized or incorporated, engaged in the business of operating or running cars for the purpose of transporting any articles of merchandise, during the transportation thereof, on or over any railroad line or lines, in whole or in part within this state, such line or lines not being owned or leased by such person or persons, joint stock company or corporation, shall be deemed a private car company within the meaning of this Act.

Annual statement of Private Car companies required to be made to State Board of Equalization.

Section 2. Any private car company as defined in Section 1 hereof, doing business in this State, shall annually, between the first and thirtieth day of April, after the approval of this Act, under oath of the person constituting such company, if a person, or under the oath of the President, Treasurer, Superintendent or Chief Officer in this State of such association or corporation, if an association or corporation, make and file with the State Board of Equalization, a statement in such form as the Board may prescribe, containing the following facts:

Contents of report.

First. The name of the person or persons, association or corporation;

Second. Under the laws of what State or Country organized;

Third. The location of its principal office;

Fourth. The name and postoffice address of the President, Secretary, Auditor, Treasurer, Superintendent and General Manager;

Fifth. The name and postoffice address of the Chief Officer or managing agent of the company in this State;

Sixth. The entire receipts (including all sums entered or charged whether actually received or not) for business done by such company within this State, including its proportion of gross receipts for business done by such company within the State in connection with other companies;

Seventh. Such other facts and information, as the said Board may require in the form of return prescribed by it.

Section 3. The State Board of Equalization shall proceed to ascertain and determine on or before the first Monday of August in each year the entire gross receipts of each of said private car companies for business done within the State of Montana for the year next preceding the first day of April, and the amount so ascertained by the said Board shall be held and deemed to be the gross receipts of such private car company for business done within the State of Montana for the year under consideration.

State Board of Equalization to ascertain gross receipts of company, when.

Amount to be deemed the gross receipts of company.

Section 4. In case of failure or refusal of any private car company to make the statement required by law or furnish the Board any information required by it, the Board shall inform itself as best it may on the matters necessary to be known in order to discharge its duty, and, at any time after the meeting of the Board, and before the gross receipts of any private car company for business done within the State are determined, any person, company or corporation interested shall have the right, on written application, to appear before the Board and be heard on the matter of such determination. After the determination of the amount of the gross receipts of any private car company for business done in the State and before the certification of such amount by such Board, the Board may, on the application of any person, company or corporation interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Duty of Board when report not made to it.

Company or interested persons may appear before the board, when.

Board may review and correct its findings when.

Section 5. In case any private car company shall refuse, fail or neglect to make and file the statement or schedule as provided for in this Act, such company shall be subject to a penalty of five hundred (\$500.00) dollars and an additional penalty of one hundred (\$100.00) dollars for each day's omission after the thirtieth day of

Penalty for refusing, failing or neglecting to make statement.

Enforcement of penalty. April to file its statement, said penalty to be recovered by action in the name of the State and on collection paid into the State Treasury to the credit of the general fund of the State. The Attorney General, on request of the State Board of Equalization, shall institute such action against any such person or persons, joint stock company or corporation, so delinquent in any court of competent jurisdiction in this State.

Power of Board to require attendance and production of evidence. Section 6. The State Board of Equalization shall have power to require the President, Secretary, Treasurer, Receiver, Superintendent, Managing Agent, or other officer or employee or agent of any private car company engaged in a private car business to attend before the Board and bring with him for inspection any books or papers of such company in his possession or under his control and to testify under oath affecting any matter relating to the organization or business of such private car company. Any member of the Board is authorized and empowered to administer such oath. Any person, who shall refuse to attend before the Board when subpoenaed so to do or shall refuse to bring with him and submit for the inspection of the Board any books or papers in his possession, custody or control, or shall refuse to answer any questions put to him by the Board affecting the organization or business of the private car company under investigation shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than five hundred (\$500.00) dollars nor less than one hundred (\$100.00) dollars.

Oath may be administered by whom.
Refusal to attend when subpoenaed and produce evidence a misdemeanor.

Penalty. Section 7. The State Board of Equalization shall, on the first Monday of August annually enter in a book provided for that purpose the amount of gross receipts of private car companies doing business in this State for the year next preceding the first day of April as determined by the provisions of this Act. It shall be the duty of the State Treasurer annually to collect from each such private car company doing business in this State a sum in the nature of a license fee to be computed by taking five per centum of the amount fixed by the State Board of Equalization as the gross receipts of such private car company for business done within the State for the year next preceding the first day of April as determined and certified by the State Board of Equalization. Provided, however, that nothing contained in this Act shall exempt or relieve any private car company from the assessment

Record of gross receipts as ascertained by the Board.

State Treasurer to collect license fee.

License fee to be 5 per cent or gross receipts.

Property of Private Car company to be taxed as other property.

and taxation of its tangible property in the manner authorized and provided by law. All licenses collected under the provisions of this Act shall be credited to the general fund of the State.

License to be credited to the General Fund.

Section 8. If any private car company fails or refuses to pay the license fee as provided for in this Act before the thirtieth day of September annually, the State Treasurer shall proceed to collect the taxes, together with interest, at the rate of twelve (12%) per cent per annum by suit instituted by the Attorney General, whose duty it shall be to prosecute any and all proceedings for the collection of such taxes.

Penalty when license fee is not paid when due.

Duty of Attorney General.

Section 9. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 83.

“An Act Relating to a Mother’s Pension and for the Care of Dependent Children in Their Own Home by Their Mother, the Father of said Children Being Dead or an Inmate of some Montana State Institution or Who has Failed to Provide for said Children for a Period of One Year or More, or Who is Physically or Mentally Incapacitated, and Whose Mother is Financially Unable to Support such Children; Providing a Penalty for the Violation Thereof and Repealing Sections 1, 2, 3, 4, 5, 6, and 7 of Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. ALLOWANCE FOR DEPENDENT CHILDREN.—Each child under the age of sixteen (16) years, whose father is dead or an inmate of some Montana State Institution, except the Montana State Prison, or who is physically or mentally incapacitated, which said act of disability shall have occurred while he was a resident of the State of Montana, and who has, for a period of one year or more, failed to provide for said child, or whose father is an inmate of the Montana State Prison and has for a period of 90 days or more failed to provide for such child, shall be entitled to such assistance which will help

Dependent children who are entitled to county assistance.

make it possible for such child to be cared for in his or her own home without being sent to some public institution, said financial aid to be given to the mother of said child or children as in this Act provided.

Children whose mothers are unable to support entitled to aid.

Amounts per month allowed from county funds.

Limit of total amount paid to one family.

Required conditions before assistance is given.

One year's residence in county required.

Provisions of Act not to apply to whom.

Section 2. SUBJECT TO SUBSEQUENT PROVISIONS OF THIS ACT—Each child as provided for in Section 1, whose mother is financially or physically unable to support such child, shall be allowed from the public moneys of the county in which the mother resides, the sum of twenty (\$20.00) dollars per month if there is one child in said family only; if there be more than one child, then the sum of fifteen (\$15.00) dollars per month for the first child and ten (\$10.00) dollars per month for the second child and five (\$5.00) dollars per month for each additional child, provided that the total amount paid to any one mother shall not exceed fifty (\$50.00) dollars per month, said money to be paid to the mother of said child or children.

Section 3. CONDITION OF ALLOWANCE—The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit allowance is made must be living with the mother of such child or children. (2) The allowance shall be made only when in the absence of such allowance the mother may be required to work regularly away from her own home and children, when by the means of such allowance she can remain at home with her children, provided that the mother may at times be absent for work by the consent of the Judge of the District Court, if he should deem it necessary and if such work does not injure her health or cause neglect of her children. (3) The mother must, in the judgment of the Juvenile Court Officer, if there be one, and if not, in the judgment of the Court, be a proper person physically, mentally and morally for the bringing up of her children. (4) Such allowance shall, in the judgment of the court, be necessary to save the child or children from neglect. (5) No person shall receive the benefit of this Act who shall not have been a resident of the county in which said application is made for at least one year prior to the making of such application for such allowance. (6) Provided that the provisions of this Act shall not apply to any child who has property of its own sufficient for its support.

Section 4. ALLOWANCE PAID OUT OF COUNTY FUNDS—Whenever the Judge shall determine that the allowance under this Act shall be made, he shall make an order to that effect, which order, among other things, shall set out the full name of the mother, her place of residence, the names and ages of the children and the amount allowed to each child, and upon presentation of such order the County Commissioners shall direct monthly warrants to be drawn therefor, which warrant shall be paid from the general funds of the county.

Order to be made by the Court.

Monthly warrants to be drawn and paid.

• Section 5. WHEN ALLOWANCE SHALL BE MADE—No allowance for any child shall continue after such child has reached the age of sixteen (16) years. Whenever the mother of any child on whose account any allowance shall have been made under the provisions of this Act, shall marry, such allowance shall cease.

No allowance after age of sixteen years or after marriage of the mother.

Section 6. Be it further provided, that under the conditions of this Act, when the father of the child or children applying for assistance has been convicted of a crime and ordered confined to the State Prison, the county in which he was convicted shall pay the allowance made for said child or children to the mother.

Allowance in case of conviction of father of a felony.

Section 7. THE PENALTY FOR PROCURING SUCH ALLOWANCE FRAUDULENTLY—Any one who fraudulently makes an application to receive the benefit of this Act, or who misrepresents the name of the applicant, the place of residence or the names and ages of the children, in order to receive the benefit of said Act, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five (\$25.00) dollars or more than five hundred (\$500.00) dollars, or imprisonment in the county jail for six months, or subject to both such fine and imprisonment.

Fraudulent application for aid, and false representations a misdemeanor.

Penalty.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 84.

“An Act Relating to the Powers and Duties of Justices of the Peace, and Fixing Their Compensation.”

Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of Justices of the Peace in cities of 10,000 population and less than 20,000.

Salaries in cities of more than 20,000 population.

No other compensation allowed, excepting what fees.

Fees of justices in townships having less than 10,000 population.

Hours of Justices of Peace in cities of 10,000 or more.

Quarters to be furnished by Board of County Commissioners in its discretion.

Fees collected by justices in cities of 10,000 or more population to be paid to county treasurers, when.

Exception.

To be credited to what fund.

Monthly statements required showing, what.

Section 1. Justices of the Peace in townships having a population of ten thousand people and not exceeding twenty thousand people shall each receive a salary of Fifteen Hundred Dollars per annum, payable monthly from the County Treasury; Justices of the Peace in townships having a population of more than twenty thousand people shall each receive a salary of Twenty-four Hundred Dollars, payable monthly from the county treasury; and Justices of the Peace in such townships shall receive no other additional fees or compensation whatever, except that they may receive and keep those fees designated as "Miscellaneous Fees" by Section 3176 of the Revised Codes of Montana, 1907; Justices of the Peace in townships having a population of less than ten thousand people shall receive the fees and emoluments provided under existing laws; Justices of the Peace in townships having a population of ten thousand people and upwards shall keep their offices open for business from nine o'clock a. m. to twelve o'clock noon, and from one o'clock p. m. to five o'clock p. m. on all judicial days, and at such other hours on judicial days as they may desire; and such justices shall occupy such quarters as may be furnished and selected for them by the Board of County Commissioners, and said Board may in its discretion select suitable quarters for such Justices and may in its discretion pay for same from moneys in the county treasury.

Section 2. Justices of the Peace in townships having a population of ten thousand people and upwards shall collect the fees prescribed by law for Justices of the Peace, except the fees in criminal actions other than for the issuance of search warrants, and shall pay the same into the county treasury of the county wherein they hold such office, on the first day of each month, to be credited to the Contingent Fund of such county; and shall also file therewith an itemized statement showing all fees received during the preceding month in connection with his office; said statement shall also state that all fees required by law to be paid in connection with matters pending before him as such justice during the preceding month have been paid to him, and by him paid into the county treasury, and listed in said itemized statement, and that he has not received or been promised, nor has anyone else received or been promised for him, any other

moneys, emolument, or thing whatsoever by virtue of or in connection with his office; and said statement shall be subscribed and sworn to by the justice. This section, however, shall not apply to "Miscellaneous Fees" excepted by Section 1 of this Act.

Statement to be verified.

Not to apply to what fees.

Section 3. Any Justice of the Peace violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding One Thousand Dollars, or by imprisonment not exceeding six months in the county jail, or both. He shall also be deemed guilty of malfeasance in office, and in the discretion of the court, may be removed from office, in which latter case he shall thereafter be disqualified from holding such office.

Violation of Act a misdemeanor.

Penalty.

To be deemed guilty of malfeasance in office.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect upon its passage and approval.

Approved March 3rd, 1917.

CHAPTER 85.

"An Act Relating to the Payment of Salaries of Justices of the Supreme Court and Judges of the District Court."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Auditor shall not draw a warrant in payment of the services of any Justice of the Supreme Court or Judge of the District Court until such Justice or Judge shall have filed with the Auditor an affidavit that no cause, motion or other proceeding in his Court remains pending and undecided for a period of ninety days after the same shall have been submitted for decision, unless casualty or sickness shall have intervened.

Affidavit to be required of justices of District and Supreme Courts before receiving salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after July 1st, 1917.

Approved March 3, 1917.

CHAPTER 86.

“An Act Amending Section 8416 of the Revised Codes of Montana of 1907, Prohibiting Gambling Games and Providing a Penalty for the Violation Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8416 of the Revised Codes of Montana of 1907 be and the same is hereby amended so as to read as follows:

“8416. GAMBLING GAMES PROHIBITED. PEN-
 ALTY. Every person who deals, plays or carries on,
 opens or causes to be opened, or who conducts or causes
 to be conducted, operates or runs, either as principal,
 agent, owner or employee, whether for hire or not, any
 game of monte, dondo, fan-tan, tan, studhorse poker,
 craps, seven-and-a-half, twenty-one, faro, roulette, hokey-
 pokey, pangeni or pangene, draw-poker or the game
 commonly called round-the-table poker, or any banking
 or percentage game, or any game commonly known as a
 sure thing game, or any game of chance played with
 cards, dice or any device whatsoever, or who runs or con-
 ducts or causes to be run or conducted, or keeps any slot
 machine, punch board or other similar machine or device
 or permits the same to be run or conducted for money,
 checks, credits or any representative of value, or for any
 property or thing whatsoever, or any person or persons
 who conduct any bucket-shop where stocks or securities
 of any kind are sold on margins and any person owning
 or in charge of any saloon, beer hall, bar-room, cigar
 store, drug store, or other place of business, or any place
 where drinks are sold or served, who permits any of the
 games mentioned in this section to be played in or about
 such saloon, beer-hall, bar-room, cigar store, drug store
 or other place of business, or permits any slot machine,
 punch board or similar device to be kept therein, and
 every person who plays or bets at or against any of said
 prohibited games or devices is guilty of a misdemeanor
 and shall be punishable by a fine of not less than one
 hundred dollars nor more than one thousand dollars, and
 may be imprisoned for not less than three months nor
 more than one year, or by both such fine and imprison-
 ment.”

Section 2. All Acts and parts of Acts in conflict here-
 with are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 87.

“An Act Providing a Method for the Assessment and Collection of a License Fee on Express Companies Doing Business in This State.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from or through this State or any part thereof, money, packages, gold, silver plate or any articles by express service, as distinguished from the ordinary freight lines of transportation of merchandise and property in this State shall be deemed to be an express company.

Who and what deemed to be an "Express Company."

Section 2. Any express company as defined in Section 1 hereof, doing business in this State, shall annually, between the first and thirtieth day of April, after the approval of this Act, under oath of the person constituting such company, if a person, or under oath of the president, treasurer, superintendent or chief officer in this State of such association or corporation, if an association or corporation, make and file with the State Board of Equalization, a statement in such form as the Board may prescribe, containing the following facts:

Annual statement to be made by express companies.

First. The name of the person or persons, association or corporation;

Contents of statement.

Second. Under the laws of what state or country organized;

Third. The location of its principal office;

Fourth. The name and postoffice address of the president, secretary, auditor, treasurer, superintendent and general manager;

Fifth. The name and postoffice address of the chief officer or managing agent of the company in this State;

Sixth. The entire receipts (including all sums entered or charged whether actually received or not) for business done by such company within this State, including its proportion of gross receipts for business done by such company within the State in connection with other companies;

Seventh. Such other facts and information as the said Board may require in the form of return prescribed by it.

Duty of State Board of Equalization to ascertain gross receipts.

What shall be deemed gross receipts.

Duty of Board in case of failure of company to make statement.

When company or interested person may appear before the Board.

When Board may review and correct its findings.

Penalty for failing to make statement.

How penalty may be recovered.

Duty of Attorney General.

Section 3. The State Board of Equalization shall proceed to ascertain and determine on or before the first Monday of August in each year the entire gross receipts of each of said express companies for business done within the State of Montana for the year next preceding the first day of April, and the amount so ascertained by the said Board shall be held and deemed to be the gross receipts of such express company for business done within the State of Montana for the year under consideration.

Section 4. In case of failure or refusal of any express company to make the statement required by law or furnish the Board any information required by it, the Board shall inform itself as best it may on the matters necessary to be known in order to discharge its duty, and, at any time after the meeting of the Board and before the gross receipts of any express company for business done within the State are determined, any person, company or corporation interested shall have the right, on written application, to appear before the Board and be heard on the matter of such determination. After the determination of the amount of the gross receipts of any express company for business done in the State and before the certification of such amount by such Board, the Board may, on the application of any person, company or corporation interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Section 5. In case any express company shall refuse, fail or neglect to make and file the statement or schedule as provided for in this Act, such company shall be subject to a penalty of Five Hundred (\$500.00) Dollars and an additional penalty of One Hundred (\$100.00) Dollars for each day's omission after the thirtieth day of April to file its statement, said penalty to be recovered by action in the name of the State and on collection paid into the State Treasury to the credit of the general fund of the State. The Attorney General, on request of the State Board of Equalization, shall institute such action against any such person or persons, joint stock company or corporation so delinquent in any court of competent jurisdiction in this State.

Section 6. The State Board of Equalization shall have power to require the president, secretary, treasurer, receiver, superintendent, managing agent, or other officer or employee or agent of any express company engaged in an express company business to attend before the Board and bring with him for inspection any books or papers of such company in his possession or under his control and to testify under oath on any matter relating to the organization or business of such express company. Any member of the Board is authorized and empowered to administer such oath. Any person who shall refuse to attend before the Board when subpoenaed so to do, or shall refuse to bring with him and submit for the inspection of the Board any books or papers in his possession, custody or control, or shall refuse to answer any questions put to him by the Board affecting the organization or business of the express company under investigation shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than Five Hundred (\$500.00) Dollars nor less than One Hundred (\$100.00) Dollars.

Power of Board to require attendance and production of evidence.

Refusal to attend and testify and produce required evidence a misdemeanor.

Penalty.

Section 7. The State Board of Equalization shall, on the first Monday of August annually enter in a book provided for that purpose the amount of gross receipts of express companies doing business in this State for the year next preceding the first day of April as determined by the provisions of this Act. It shall be the duty of the State Treasurer annually to collect from each such express company doing business in this State a sum in the nature of a license fee to be computed by taking two and one-half per centum of the amount fixed by the State Board of Equalization as the gross receipts of such express company for business done within the State for the year next preceding the first day of April as determined and certified by the State Board of Equalization; provided, however, that nothing contained in this Act shall exempt or relieve any express company from the assessment and taxation of its tangible property in the manner authorized and provided by law. All licenses collected under the provisions of this Act shall be credited to the general fund of the State.

Entry of record of amount of gross receipts found.

Duty of State Treasurer to collect license fee.

Amount of fee.

Tangible property of express companies to be taxed, how.

Section 8. If any express company fails or refuses to pay the license fee as provided for in this Act before the thirtieth day of September annually, the State Treasurer shall proceed to collect the taxes, together with interest,

Failure to pay license fee.

Penalty to be added.

Duty of Attorney
General.

at the rate of twelve (12%) per cent per annum by suit instituted by the Attorney General, whose duty it shall be to prosecute any and all proceedings for the collection of such taxes.

No other license
tax to be levied.

Section 9. No other license or franchise tax shall be levied against any express company except the license tax provided by this Act.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 88.

“An Act to Amend Section 3169 of the Revised Codes of Montana of 1907, Relating to the Fees of the Clerk of the District Court.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending sec-
tion of Codes.

Section 1. That Section 3169 of the Revised Codes of 1907 be, and the same is, hereby amended to read as follows:

Fees of District
Clerk.

“Section 3169. At the commencement of each action or proceeding the Clerk must collect from the plaintiff the sum of Five Dollars, and for filing a complaint in intervention, the Clerk must collect from the intervenor the sum of five dollars;

Defendants ap-
pearance.

And the defendant, on his appearance, must pay the sum of two dollars and fifty cents. (Which includes all the fees to be paid up to the entry of judgment.)

Fee on entering
judgment for
plaintiff.

On the entry of judgment in favor of plaintiff he must pay the additional sum of two dollars and fifty cents;

Judgment in
favor of defend-
ant.

And if in favor of defendant, the defendant must pay the sum of five dollars. (Which includes all the clerk's costs for all services rendered in any action or proceeding, except issuing execution or order of sale, and the fees for transcript on appeal. If the action is dismissed, no fee for the entry of judgment need be paid, unless the party desires the entry of such judgment.)

Appeal from
justices' or lower
court.

For filing the papers and transcript on appeal from a justice or other inferior court or other tribunal, the party appealing must pay the sum of five dollars. (Which includes all costs up to the entry of judgment.)

For entry of judgment in favor of party appealing, he must pay the sum of two dollars and fifty cents. Judgment in favor of appellant.

For entry of judgment in favor of the other party, or respondent, he must pay the sum of five dollars. (Which includes all the clerk's costs for all services rendered on such appeal.) Judgment in favor of respondent.

For certifying transcripts on appeal where the same are not prepared by him, five dollars, and in addition thereto, five cents per page for each page in excess of two hundred pages. Certifying transcript.

And where he prepares such transcript, in addition thereto, per folio, fifteen cents;

For preparing copies of papers in his office, per folio fifteen cents, when certified to, in addition thereto, fifty cents for certificate and seal; For copies of records or papers.

For certificate with seal, fifty cents;

Other fees.

For oath and jurat, with seal, fifty cents;

For administering oath, twenty-five cents;

For taking depositions, per folio, twenty cents;

For filing and docketing transcript of judgment from all other courts and issuing execution thereon, two dollars and fifty cents; Filing and docketing transcript of judgment.

For issuing execution and all services connected therewith, one dollar; Executors, etc.

For issuing execution or order of sale on foreclosure of liens, one dollar; Order of sale.

And in addition, per folio, twenty cents;

For searching records of files for each year, except for suitors or their attorneys, twenty-five cents; Searching records.

For transmission of records or files or transfer of cases to other courts, two dollars and fifty cents; Transmitting records or files, etc.

For filing and entering papers on transfer from other courts, five dollars; Transfer from other courts.

For making, acknowledging and procuring the signature of judge to deed of lot in townsite, four dollars; Deeds to town lots.

For issuing a marriage license, two dollars." Marriage license.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect 30 days from and after its passage and approval.

Approved March 5, 1917.

CHAPTER 89.

“An Act to Amend Section 3894 of the Revised Codes of Montana of 1907, Relating to the Decrease or Increase of the Capital Stock of Corporations, the Creation or Increase of the Bonded Indebtedness of Corporations, or the Extensions or Changes in the Business of Corporations, and the Manner Whereby Such Changes May be Accomplished.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section of Code.

Section 1. That Section 3894 of the Revised Codes of Montana of 1907 is hereby amended so as to read as follows:

Corporation not to issue stock except for value received.

“Section 3894. No corporation shall issue stocks or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. Every corporation may increase or diminish its capital stock or create or increase its bonded indebtedness or extend or change its business, subject to the foregoing provision of this section, at a meeting called by the Directors for the purpose as follows:

May increase or decrease its capital stock, bonded indebtedness, extend or change its business when and how.

Notice of meeting.

1. Written or printed notice of the time and the place of the meeting, stating its object and the amount to which it is proposed to increase or diminish the capital stock or to create or increase the bonded indebtedness, or the extension or change proposed in its business, must be deposited in the postoffice, addressed to each stockholder at his usual place of residence, at least six weeks previous to the date set for the holding of such meeting; and in addition said notice must be published in a newspaper published in the county of the principal place of business of the corporation once a week for six weeks successively.

Service of.

Limit to decrease of capital stock.

2. The capital stock must, in no case, be diminished to an amount less than the indebtedness of the corporation, or the estimated cost of the works which it may be the purpose of the corporation to contract.

Vote required to carry proposition.

3. At least two-thirds of the entire capital stock must be represented by the vote in favor of the increase, diminution, extension, or change before it can be effectual.

Certificate required.

4. A certificate must be signed by the Chairman and Secretary of the meeting and the majority of the Direc-

tors, showing compliance with the requirements of this section, the amount to which the capital stock has been increased or diminished, or the bonded indebtedness created or increased, or the extension or change of business provided for, the amount of stock represented at the meeting and the vote by which the object was accomplished.

5. The certificate must be filed in the office of the county clerk where the original Articles of Incorporation were filed, and a certified copy thereof in the office of the Secretary of State, and thereupon the capital shall be so increased or diminished or the business so extended or changed or the bonded indebtedness may be increased accordingly.

Certificate to be
filed when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 90.

“An Act Concerning the Examination and Admission of Attorneys and Counsellors at Law to Practice Law in This State, and Concerning the Trial and Conduct of Proceedings in Actions for the Suspension, or the Disbarment from Practice of such Attorneys and Counsellors; Providing an Annual License Tax to be Paid by All Practicing Attorneys and Counsellors in this State, and Methods of Collecting the Same, and Penalties for Violation of any Provisions of this Act; Providing for the Disposition and Expenditures of All Moneys Collected Under the Provisions of this Act.”

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. Any person who shall hold himself out, or advertise as an attorney or counsellor at law, or who shall appear in any court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any question of law or fact by a court, or who shall engage in the business and duties and perform such acts, matters and things as are usually done or performed by an attorney at law in the practice of his profession for the purposes of this Act shall be deemed practicing law.

Who shall be
deemed “practicing law.”

Annual license
tax to be paid by
attorneys-at-
law.

To clerk of su-
preme court.

Certificate to be
delivered by
clerk.

Municipalities
shall not impose
license tax.

Monthly disposi-
tion of money
so collected.

Attorneys for-
bidden to prac-
tice without pay-
ing license tax.

Penalty.

Supreme court
authorized to ap-
point an examin-
ing board, and
discharge same.

Quorum.

Duties of the
board.

Section 2. That every attorney or counsellor at law admitted by the Supreme Court of the State to practice his profession within the State shall be required to pay a license tax of five (\$5.00) dollars per annum from and after the first day of April, A. D. 1917, which tax shall be payable to and collected by the Clerk of the Supreme Court on or before the first day of April of each year.

Upon the payment of such tax the said clerk shall issue and deliver a certificate to the person paying the same, certifying to the payment of said license tax and stating the period covered by said payment. No license tax shall be imposed upon attorneys by a municipality or any other subdivision of the State.

Section 3. All moneys so collected during any month shall, on or before the first day of the succeeding month, be delivered to and deposited with the State Treasurer by the Clerk of the Supreme Court, and the State Treasurer shall place and hold the same in a special fund to be known as "Attorneys' License Tax Fund," and shall be paid out and disbursed as hereinafter provided.

Section 4. No attorney shall practice or be permitted to practice his profession in any of the Courts of Record in this State until he shall have paid such license tax for the current year and procured a certificate, as hereinabove provided; and any attorney violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars.

Section 5. The Supreme Court is hereby authorized and empowered to appoint five (5) members of the bar of this State, in good standing, as an examining Board to conduct and assist in conducting the examination of applicants for admission to the bar. The Court may release, dismiss or remove any member of said Board, and appoint other members in his or their stead at any time. A majority of said Board shall constitute a quorum and have the power to conduct examinations. The Board shall perform such duties and render such assistance in the examinations of applicants as may be prescribed by the said Court, and shall be governed and controlled by such rules and regulations as the said Court may prescribe. It shall be optional with the Supreme Court to appoint said Board, or to require the assistance of said Board when appointed.

Section 6. The members of said Board shall be entitled to their necessary traveling expenses in attending meetings of said Board and in conducting such examinations, and also, when away from their homes or places of residence, their necessary lodging and hotel expenses, and shall be paid such compensation, per diem, for services performed by them as members of said Board, as may be fixed and determined by the Supreme Court. Such expenses and compensation shall be paid out of the Attorneys' License Tax Fund by the State Treasurer upon warrants duly drawn by the State Auditor therefor.

Compensation and expenses of members.

Court to fix compensation.

Paid out of what fund.

Section 7. Every applicant for admission to the bar by examination or otherwise, must pay to the Clerk of the Supreme Court at the time he files his application for examination or his petition for admission, the sum of twenty-five (\$25.00) dollars. Should the applicant fail in the examination taken by him he may take another examination before the said Board at any time within one year thereafter without further payment. No other fee shall be exacted for admission of any applicant, if admitted within one (1) year after the payment of the fee of twenty-five (\$25.00) dollars hereinabove designated. All money collected from fees herein provided for shall be deposited with the State Treasurer by the Clerk of the Supreme Court, and placed in said Attorneys' License Tax Fund, and shall be paid out and disbursed only as herein provided.

Fee for admittance to the bar.

May take second examination within one year without further fee.

Money collected to be deposited where.

Section 8. Whenever any verified complaints filed in the office of the Clerk of the Supreme Court, charging any attorney or counsellor at law with having violated his oath as an attorney or counsellor, or with having otherwise been guilty of conduct authorizing or justifying his suspension from practice, or disbarment, it shall be the duty of the Attorney General to represent such complaint in such action or proceeding, and to prosecute the same. He shall first investigate the charges made and determine whether or not a trial thereof should be had, and report the results of his investigation to the Justices of the Supreme Court, and if in his judgment, or in the judgment of the Justices of the Supreme Court, a trial should be had, the Clerk of the Supreme Court shall, upon the direction of the Attorney General or any Justice of the Supreme Court, issue a summons in the form of a summons in a civil action, setting forth, in brief, the charges contained in the complaint, and requiring

Duty of Attorney General when complaint filed in office of Clerk of Supreme Court charging attorney with professional misconduct, etc.

To make an investigation before proceeding further.

Clerk shall issue summons when.

Summons to contain what.

said attorney to appear and answer said complaint within such time as the court may designate.

Verified complaint to attorney general.

Duty of attorney general.

Procedure.

Service of summons.

Power of Attorney General in procuring evidence.

Written complaint to a judge. Procedure.

Special attorney to investigate charges.

Compensation.

Section 9. Whenever any verified complaint is made in writing to the Attorney General that any attorney has violated his oath or otherwise been guilty of professional misconduct, or other conduct authorizing or justifying his suspension from practice or his disbarment, it shall be the duty of the Attorney General to investigate the charges so made, and if from such investigation he shall determine that a complaint should be filed in the Supreme Court of such charges and a trial thereof had, he shall file in the office of the Clerk of the Supreme Court a complaint against such attorney, setting forth in concise language the acts or conduct charged or complained of; whereupon, the Clerk of said Court shall issue a summons for the appearance and answer of the party complained of as provided in the last preceding section; that said summons and the summons as provided for in Section 8 hereof shall be served in the same manner as provided for the service of summons in civil actions. In making such investigations the Attorney General, or the special deputy or counsel appointed to act in such matter, shall have power to subpoena witnesses and require the production of books, documents and other instruments and to administer oaths. Whenever a complaint is made in writing to any Judge of a District Court or to the Supreme Court against any attorney, charging him with misconduct or other acts as in this Act specified, the same shall be immediately forwarded to the Attorney General, with the certificate of the Clerk of such Court, setting forth the time of the filing of said complaint in said court, and the name and residence of the complainant, and the residence and postoffice address of the accused, and it shall be the duty of the Attorney General thereupon to investigate such charges in the manner provided in this Act.

Section 10. The Attorney General, or the Supreme Court, may, when deemed necessary appoint some attorney as special counsel or deputy to investigate any such charges, and to prosecute any disbarment proceedings instituted. The attorney so appointed shall be entitled to receive his necessary expenses therein and a reasonable compensation for his services, to be fixed by the Supreme Court.

Section 11. The Supreme Court may make rules regulating pleadings, practice and procedure in such action or proceeding, and in the absence of such rules the law relating to pleadings, practice and procedure in civil actions, so far as applicable, shall control, and the court may order a reference as authorized by Chapter VI, Title VIII, Part II of the Code of Civil Procedure, and in the event of a reference the referee, or referees, shall have the powers provided in such Chapter, and shall receive such compensation as shall be fixed and allowed by the Supreme Court.

Power of Supreme Court to make rules regulating pleadings and procedure in such cases.

What law to govern in absence of special rules.

Section 12. Witnesses on behalf of the complainant in any such action or proceeding shall be entitled to the fees and mileage provided by law for witnesses in civil actions in the district court, and such fees and mileage and other costs necessarily incurred in the prosecution of any such action or proceeding shall be paid by the State Treasurer out of the Attorneys' License Tax Fund, upon warrants duly drawn by the State Auditor.

Witnesses fees and mileage.

To be paid out of what fund.

Section 13. Any expenses necessarily incurred by the Attorney General in making an investigation as herein provided, or in the prosecution of any such action or proceeding, shall be paid out of the Attorneys' License Tax Fund.

Expenses of Attorney General to be paid out of what fund.

Section 14. All expenses incurred and compensations earned and allowed under the provisions of this Act, hereinabove set forth, shall be paid out of the Attorneys' License Tax Fund by the State Treasurer upon the presentation of warrants duly drawn upon the said fund by the State Auditor. It shall be the duty of the State Auditor upon the presentation to him by the Clerk of the Supreme Court of a certified copy of any order of said Court allowing any of such expenses or compensation, or upon a certificate by the Clerk of the Supreme Court that such expenses have been incurred and such compensation allowed, together with itemized statements thereof, duly verified by the claimants thereof, and approved by at least one justice of the Supreme Court, to draw his warrant or warrants for the amounts therein named upon said Attorneys' License Fund, payable to the parties entitled thereto.

All expenses and compensations provided for in Act to be paid out of what fund.

Duty of State Auditor to draw warrant when.

Section 15. It shall be unlawful for any Court within this State to allow attorneys' fees in any action or proceeding before said Court in which attorneys' fees are allowed by law to either party to such action or proceed-

Unlawful for any court to allow attorneys fees when.

ing, when such party is represented by anyone other than a duly admitted or licensed attorney at law.

Duty of Clerk of Supreme Court when attorney fails for 30 days to pay license tax.

Section 16. If any practicing attorney or counsellor at law shall fail, neglect, or refuse to pay to the Clerk of the Supreme Court the license tax imposed by this Act, for a period of thirty (30) days after the same is due and payable, it shall be the duty of the Clerk of the Supreme Court to take such action for the collection of the same as is required of the County Treasurer in cases of non-payment of other licenses, as provided by Section 2750 of the Revised Codes of Montana, 1907, and the provisions of said Section 2750 and of Section 2752 of said Code shall control in said proceedings so far as the same are applicable thereto.

Duty of State Treasurer to transfer balances in Attorneys' License Tax Fund to the State Law Library Fund.

Section 17. On the thirty-first day of March of each year, after the year 1917, it shall be the duty of the State Treasurer to transfer from the Attorneys' License Tax Fund all moneys, unexpended or not disbursed as herein provided and remaining in said fund, to the State Law Library Fund. The moneys so transferred to said State Library Fund, together with any other moneys in said account, shall be available for and expended in the purchase of books, pamphlets, maps and such other literature as may be purchased for the State Law Library, and in meeting and paying the ordinary current expenses of said State Law Library as may be incurred under the direction of the Board of Trustees of said Library. Upon the presentation by the State Law Librarian of vouchers for said expenditures, duly verified by him, or by the claimants of the amounts due, and approved by at least one of the Justices of the Supreme Court, it shall be the duty of the State Auditor to draw his warrant or warrants upon said Law Library Fund for the amounts named in said vouchers, and it shall be the duty of the State Treasurer to pay said warrants when presented, out of the money in said Law Library Fund.

How money in the State Law Library Fund may be used.

Duty of State Auditor upon presentation of proper vouchers to draw warrants.

Section 18. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 19. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 91.

“An Act to Regulate the Hours of Continuous Employment of Firemen in Cities of the First and Second Class.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No fireman, or member or employee of the Fire Department of cities of the first and second class, shall be required to be on continuous duty to exceed fourteen (14) hours of each twenty-four (24) hour day, save and except the Chief of such Department, who shall be subject to call at any time; Provided, that the Chief of any Department, or a Captain thereof, may in their discretion, in cases of necessity, recall to service any member or employee of the Fire Department then off duty, who shall be needed by such Department at the time called.

Hours for members of fire department in first and second class cities.

Section 2. The City Councils or Commissioners of cities of the first and second class, shall have power to establish and promulgate rules and regulations governing the employment of the members or employees of their respective fire departments, not inconsistent with this Act.

City council authorized to promulgate rules and regulations.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1917.

CHAPTER 92.

“An Act to Combine the Offices of State Inspector of Boilers, Inspection of Steamboats, State Inspector of Mines and State Coal Mine Inspector, and Placing All of said Officers under the Supervision of the Industrial Accident Board; Fixing the Salaries Thereof and Defining Their Duties and Powers; and Amending Section 55 A and Section 55 B Chapter 96 Laws of the Fourteenth Legislative Assembly, Being an Act Known as the Workmen’s Compensation Act, and Repealing All Acts in Conflict Herewith.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section No. 1. The office of Inspector of Boilers, In-

Offices of Inspector of Boilers

ers, of Steamboats, of Mines, and State Coal Mine Inspector, combined.

Industrial Accident Board to appoint Inspector of Boilers, Inspector of Coal Mines, 2 Inspectors of quartz mines and one Steamboat Inspector.
Terms of office.

Salaries to be fixed by Industrial Accident Board.

Districting State for Boiler Inspection.

Rules and Regulations for Boiler and Mine Inspection.

Reports of safety conditions.

Fees not changed.

To be paid into what fund.

Amending sections 55a and 55b of chapter 96, Laws of 1915.

Laws prescribing qualifications of Inspectors continued in force.

Repealing what laws.

spector of Steamboats, the office of Inspector of Mines and the office of State Coal Mine Inspector are hereby combined and placed under the general supervision of the Industrial Accident Board.

Section No. 2. The Industrial Accident Board shall appoint not to exceed four Inspectors of Boilers, one Coal Mine Inspector, two Inspectors of Quartz Mines, and one Inspector of Steamboats, all of whose terms of office shall be at the pleasure of the Industrial Accident Board.

Section No. 3. The said officers shall receive such annual salaries to be fixed by the Industrial Accident Board, and approved by the Governor; all of said officers to be paid monthly.

Section No. 4. The Industrial Accident Board shall district the State for Boiler Inspection and shall assign one Inspector of Boilers to each such district, and may from time to time change the boundaries of said districts and change said Inspector of Boilers to other districts and said Board shall have the power and it shall be its duty to provide rules and regulations under which said Inspectors of Boilers, Inspectors of Mines and Coal Mine Inspector shall perform their duties; and the Board may require them, in addition to their statutory duties, to make the annual inspections, reports and collections required by the safety provisions of Sections 51 a, 51 b, 51 c, 51 e, 52 a and 52 b of Chapter 96, Laws of the Fourteenth Legislative Assembly.

Section No. 5. That all fees collected by the Inspectors of Boilers, the Inspectors of Mines and the Coal Mine Inspector shall remain the same in amounts as now fixed by law and when same are collected they shall be paid into the State Treasury and credited to the Industrial Administration Fund as other inspection fees of the Industrial Accident Board are now paid and credited.

Section No. 6. That Section 55-a and 55-b Chapter 96, Laws of Fourteenth Legislative Assembly, known as the Workmen's Compensation Act are hereby amended and combined to read as follows: "Section 55—That all Laws that now prescribe the qualifications, powers, and duties of the Inspectors of Boilers, Inspector of Steamboats, Inspectors of Mines and Coal Mine Inspector not inconsistent with the provisions of this Act are hereby continued in full force and effect, and all other Acts and

parts of Acts contrary to the provisions of this Act are hereby repealed.

Section No. 7. This Act shall be in full force and effect on and after March 4th, 1917.

Approved March 3, 1917.

CHAPTER 93.

“An Act Providing for the Levy of School District Taxes in Excess of Ten Mills When Authorized by a Vote of the Qualified Electors of Such District, Who Are Tax Paying Freeholders Therein.”

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. Whenever the board of trustees of any school district shall deem it necessary to raise money by taxation in excess of the ten mill levy now allowed by law for the purpose of maintaining the schools of said district, or building, altering, repairing, or enlarging any school house or houses of said district, for furnishing additional school facilities for said district, for building and equipping heating or other plants for said district, or for any other purpose necessary for the proper operation and maintenance of the schools in said district, it shall submit the question of such additional levy to the legal voters of said district, who are tax paying freeholders therein, either at the regular annual election held in said district, or at a special election called for that purpose by the board of trustees of said district.

District school taxes in excess of ten mills.

Purposes for which additional levy may be made.

Board of trustees to submit question to voters of district, when.

Section 2. Where the question of making such additional levy is so submitted, notice thereof shall be given by posting the same at each school house in said district at least ten days before such election, or by publication thereof for a like period before such election in each newspaper published in said district, or by both such notice and publication.

Notice of election, how and when given.

Section 3. The submission of said question shall expressly provide for what purpose such additional levy is to be made, and if authorized, the money raised by such additional levy shall be used for that specified purpose only, provided that if any balance remain on hand after the purpose for which said levy was made has been accomplished, such balance may, by vote of the trustees of the said district, be transferred to any other fund of said district.

Express purpose of levy to be submitted.

Money to be used for what purpose, only.

How balance, if any, may be used.

What ballots shall contain.

Section 4. The ballots furnished electors at such election shall have printed thereon the following:

Shall the board of trustees of this district be authorized to make a levy of (here insert the number) mills taxes in addition to the regular ten mill levy authorized by law for the purpose of (here insert the purpose for which the additional levy is to be made)?

	For additional levy
	Against additional levy

Marking of ballots,

The voters shall mark the ballot in the same manner as other ballots are marked under the election laws of this state. The election shall be held and the votes canvassed and returned as in other school elections. If the majority voting on the question are in favor of such additional levy, the board of trustees of said school district shall so certify to the board of county commissioners of the county in which said school district is situated, and said additional levy shall be made in the same manner that the levy for special taxes in said district is made.

Manner of holding election, canvassing returns, etc.

Trustees to certify results to County Commissioners when.

Levy to be made how.

Challenging votes.

Section 5. Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath or affirmation, in substance as follows: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this state one year and in this school district thirty days next preceding this election; that you are a tax paying freeholder on the last assessment roll for this school district; and that you have not voted this day. So help you God." Said oath shall be reduced to writing and signed by the person challenged and sworn to before one of the judges of election. Said oath or affirmation shall be returned with the ballots cast at such election. If the voter takes such oath or affirmation, his vote must be received; otherwise, it shall be rejected. Any person who shall swear falsely before any such judge of election shall be guilty of perjury, and shall be punished accordingly.

Oath of challenged voter.

Swearing falsely.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 27, 1917.

CHAPTER 94.

“An Act to Amend Sections 1803 and 1805 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to Contracts for Supplying Basal and Supplementary Text Books.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1803, Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Amending section 803, ch. 76, Laws of 1913.

“1803. CONTRACTS FOR SUPPLYING TEXT BOOKS.—Beginning with November first, 1916, and every second year thereafter, the Superintendent of Public Instruction shall, if any changes have been recommended, advertise for thirty days in two daily newspapers in this state, giving notice that the Text Book Commission will meet, as herein provided, and that it will receive sealed proposals up to twelve o'clock noon, of said third Monday in January next following, for supplying the State of Montana with such basal and supplementary text books as the Commission has considered desirable to be changed, for use in all the public schools of said State, for a period of six years from and after the first day of September, 1917; and all contracts under this Act shall further provide that they may be extended after their expiration at the option of the Commission, and at not to exceed the schedule of prices agreed upon therein; and the contracts in existence at the time of the passage of this Act may be extended after expiration for not to exceed four years, at the option of the Commission, and not to exceed the schedule of prices agreed upon therein. The Commission shall make contracts for text books in the following branches, to-wit: Reading, spelling, writing, arithmetic, geography (elementary and advanced), language and grammar, physiology and hygiene, civil government (state and national), history of the United States (elementary and advanced) and elementary agriculture.

Bi-ennial meeting of Text Book Commission and notice thereof.

Notice of sealed bids for supplying board and supplemental text books.

Contract shall provide, what.

Extending existing contract.

Contracts may be let for text books on what branches.

Commission may adopt what other books.

What supplemental text books may be used.

Address and indorsement on sealed proposals.

What proposals shall state.

Statement concerning exchange prices.

Exchange of privately owned books.

At termination of contracts commission shall advertise for new contracts.

Publisher to furnish special map of Montana.

Special supplement on civil government.

Mechanical excellency of books.

Said commission is hereby empowered to adopt such other text books supplementary to the basal text books above referred to, as it may deem advisable. But no supplementary text books shall be used in any of the schools in this State except in connection with and supplementary to the basal text books adopted by the said State Text Book Commission as provided in this Act. Said sealed proposals shall be addressed to the chairman of the State Text Book Commission, Helena, Montana, and shall be indorsed "Sealed proposals for supplying text books for use in the State of Montana." Said proposals shall state the net wholesale prices at which the publishers whose books may be adopted by the Text Book Commission, will agree to deliver the same in the City of Chicago, Illinois, f. o. b. to merchants in Montana or to school districts purchasing the same, or f. o. b. text book depositories in Montana. They shall also state the introductory price without exchange, and the exchange price for new books adopted in exchange for the old books in the hands of the pupils, and for the new books in the hands of the districts or dealers, which may be displaced, grade for grade; Provided that when pupils own their own books they may exchange one of the lower grade for one of a higher; and shall further state the retail price at which they will keep all the text books so adopted on sale uniformly in at least one place in each county throughout the State. Whenever any contract shall be terminated by recission, or shall otherwise cease to be in force and effect, the Text Book Commission shall, within ten days after the termination of such contracts, advertise in the same manner and for the same length of time as elsewhere mentioned in this section for proposals to furnish text books on the same subject as those embraced within such contract for the same length of time, and bids shall be received in the same manner as hereinbefore provided. The publishers contracting and agreeing to supply text books for the use in the State of Montana under the provisions of this Act, shall cause to be prepared a special map and special supplement descriptive of Montana for the geography adopted by said Commission. They shall also cause to be prepared a special supplement for Montana for the civil government adopted, which supplement shall contain not less than one hundred pages. They shall further agree to maintain the mechanical excellency of the books adopted by

said commission fully equal to the samples submitted in binding, equality of paper, and other essential features.”

Section 2. Section 1805, Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Amended section
1805 of said
chapter 76.

“1805. CONTRACTS AND AGREEMENTS.—The said Text Book Commission shall have power to make contracts and agreements for the use and supply of text books in the name of the State as it shall deem necessary for the best interests of the public schools of the State, and shall require of all publishers contracting and agreeing to furnish books adopted by the said Text Book Commission, bonds equal in amount to one-half the value of the books to be furnished, conditioned that upon the failure on the part of such publishers to comply with the terms of such contracts or any part thereof, in any county of the State, upon notice being given as provided for herein, said bonds may by the Governor of the State of Montana, be declared forfeited, and actions brought in the name of the State upon such bonds to recover the full amount named therein, which amount shall be deemed to be fixed and liquidated damages for the breach of such contracts; provided, that the Text Book Commission may, at its discretion, reject any and all proposals if it be deemed by it to be to the interest of the state so to do, and it shall advertise for new proposals, stating the time when such new proposals will be received by it, not later, however, than thirty days from the rejection of the first proposals; provided, further, that the contract price of such books f. o. b. Chicago, Illinois, or Text Book depositories in Montana, allowing difference for freight, shall not exceed the lowest wholesale price charged for the same books to any other state of the United States.”

Power of Text
Book commission
to contract.

Bonds of pub-
lishers.

Condition of
bonds.

Commission may
reject any and
all proposals.

Advertising for
new proposals.

Limitation on
price of books.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 95.

“An Act Declaring all Buildings and Places Nuisances,
Wherein or Upon Which Acts of Lewdness, Assigna-

tion or Prostitution are Held or Occur, or Which are Used for Such Purposes, or Wherein or Upon Which Any Gambling is Conducted or Carried on Contrary to any of the Laws of the State of Montana, or Wherein any Wine Rooms are Maintained, Contrary to Sections 8376-8377-8384-8385 and 8386 of the Revised Codes of Montana of 1907 or to any of the Laws of the State of Montana, and Providing for the Abatement and Prevention of such Nuisances, by Injunction and Otherwise."

Be it enacted by the Legislative Assembly of the State of Montana:

Term "Person"
defined for pur-
poses of Act.

Section 1. The term "person" as used in this Act shall be deemed and held to mean and include individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees. The term "building" as used in this Act shall be deemed and held to mean and include so much of any building or structure of any kind as is or may be entered through the same outside entrance.

Term "Building"
defined for pur-
pose of Act.

Certain places
named, termed a
nuisance.

Section 2. Every building or place used for the purpose of lewdness, assignation or prostitution and every building or place wherein or upon which acts of lewdness, assignation or prostitution are held or occur, and any building wherein gambling is carried on or occurs, contrary to any of the laws of the State of Montana, or wherein any wine rooms are conducted or maintained, contrary to the laws of the State of Montana, or wherein any place or places are maintained or conducted contrary to the provisions of Sections 8376-8377-8384-8385 and 8386 of the Revised Codes of the State of Montana of 1907 is a nuisance which shall be enjoined, abated and prevented as hereinafter provided, whether the same be a public or private nuisance.

Action in equity
may be main-
tained to abate
such nuisance,
by whom.

Section 3. Whenever there is a reason to believe that such nuisance is kept, maintained or exists in any county of the State of Montana, the county attorney must, or any citizen of the county may, maintain an action in equity in the name of the State of Montana upon the relation of such county attorney or citizen as the case may be to abate and prevent such nuisance and to perpetually enjoin the person or persons conducting or maintaining the same, and the owner, lessee or agent of the building, or place, in or upon which such nuisance exists, from directly or indirectly maintaining or permitting such nuisance.

Perpetual in-
junction.

No warrant shall be issued against the owner of a private dwelling occupied as such, unless some part of it is used as a store or shop, hotel or boarding house, or for any other purpose than a private residence, or unless such residence is a place of public resort.

Warrant not to be issued against owner of private dwelling, excepting when.

Section 4. The complaint in such action must be verified unless filed by the county attorney. Whenever the existence of such nuisance is shown in such action to the satisfaction of the court or judge thereof, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance.

When complaint must be verified.

Temporary writ of injunction allowed when.

Section 5. The action when brought shall have precedence over all other actions, excepting criminal proceedings, election contests and hearings on injunction, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed by the plaintiff or for want of prosecution except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such action with the reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any such citizen consenting thereto for such plaintiff. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs shall be taxed against such citizen.

Precedence of action.

Evidence of the general reputation of the place admissible when.

When action filed by a citizen may be dismissed.

Failure to prosecute action: substitution of plaintiff.

When costs to be axed against complainant.

Section 6. Any violation or disobedience of either any injunction or order expressly provided for by this Act shall be punished as a contempt of court by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

Contempt of Court.

Penalty.

Section 7. If the existence of the nuisance be established in an action as provided herein, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, musical instruments, gambling paraphernalia and movable property used in conducting, maintaining, aiding or abetting the nuisance, and shall direct the sale thereof in the manner provided

When order abatement shall be entered.

Order shall direct removal and sale of what.

Building to be kept closed for one year, and remain in the custody of the court.

for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released, as hereinafter provided. While such order remains in effect as to closing, such building or place shall be and remain in the custody of the court. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Costs allowed.

Disposition of proceeds of sale of property.

Section 8. The proceeds of the sale of the property, as provided in the preceding section, shall be applied as follows:

- 1st. To the fees and costs of such removal and sale;
- 2nd. To the allowance and costs of so closing and keeping closed such building or place;
- 3rd. To the payment of the plaintiffs costs in such action;

4th. The balance, if any, shall be paid into the common school fund of the school district in which the said property was seized. If the proceeds of such sale do not fully discharge all such costs, fees and allowances, the said building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of such sale applied in like manner.

When building may be sold to pay costs and allowances.

When building may be delivered to owner.

Bond to be given and conditions thereof.

Section 9. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees and allowances which are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at such building or place and prevent the same from being established or kept thereat within a period of one year thereafter, the court, or judge thereof, may, if satisfied of his good faith, order the premises closed, under the order of abatement, to be delivered to said owner, and said order of abatement canceled so far as the same may relate to said property. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty or liability to which it may be subject to law.

Liens, judgment and penalties not released.

Section 10. Whenever the owner of a building or place upon which the act or acts constituting the contempt shall have been committed, or of any interest therein has been guilty of a contempt of court and fined therefor in any proceedings under this Act, such fine shall be a lien upon such building and place to the extent of the interest of such person therein enforceable and collectable by execution issued by the order of the court.

When judgment and fine in contempt proceedings to be a lien on building.

Section 11. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed; provided, that nothing herein shall be construed as repealing any laws of the State of Montana for the suppression of lewdness, assignation, and prostitution, or for the suppression and prevention of gambling, or the suppression and regulation of wine rooms.

Repealing clause. What laws not repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 96.

“An Act Providing for the Extermination of Gophers and Prescribing the Manner in Which the Expenses of Exterminating the Same Shall be Paid.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. EXTERMINATION OF GOPHERS. The county commissioners of any county in this state, where there are gophers, upon a petition of ten resident land owners, are hereby authorized and empowered to appoint some suitable person or persons, whose duty it shall be to poison, kill and exterminate the gophers within such county, and any person so appointed is hereby empowered and directed to, between March first and June first, enter upon any farm, a railroad right of way, grounds or premises where there are gophers and poison, kill and exterminate the gophers thereon when the owner or occupant thereof shall neglect or refuse to do so.

County Commissioners authorized to appoint a Gopher Exterminator when.

Section 2. NOTICE, HOW SERVED. It shall be the duty of the person so appointed to give anyone, on whose premises are found gophers ten days' notice in writing, to poison, kill or exterminate the same; or if such land is unoccupied and owned by a non-resident, such notice shall be mailed to its owner's address, or if the address is unknown, posted upon the land or premises where such gophers are to be exterminated; and if

May enter what premises.

Notice to owner of land infested with gophers to kill them.

When land unoccupied or owned by non-resident.

Notice to rail-
road companies.

When gopher ex-
terminator can
get to work.

Precautions to
be taken.

Per diem to be
paid person ap-
pointed to kill
gophers.

Reimbursement
for materials
used.

Limit to expense.

Minimum
charge.

How paid.

Notice to owner
of charges
against land.

Appeal to dis-
trict court.

upon the land or right of way of any railroad company such notice may be served upon its agent at the station nearest to such land or right of way; and if the work of exterminating same is not done within such time the person so appointed by the county commissioners shall proceed to poison, kill and exterminate the gophers on such land or premises, provided that any person authorized to exterminate gophers according to the provisions of this Act, shall, when poison is laid out, use every precaution to prevent the destruction of domestic fowl or animals, and of game birds by such poison, and no person shall lay out poison in any pasture where there is stock, or within forty rods of any occupied dwelling or farm house, without the knowledge and consent of the owner or occupant thereof.

Section 3. COMPENSATION, STATEMENT AND VOUCHER TO BE CHARGED AGAINST SAID LAND AS TAXES, AFTER DUE NOTICE. Any person so appointed under the provisions of this article shall receive as compensation the sum of two dollars and fifty cents per day for eight hours' labor performed in poisoning and exterminating gophers. He shall also be reimbursed for all poison and grain used in the performance of such work. Such person shall make a sworn statement to the county of the time put in and the poison and grain used on each tract of land, provided that the maximum charge against any parcel of land containing twenty acres or more shall not be greater in any one year than at the rate of six dollars per one hundred and sixty acres, and the minimum charge shall not be less than one dollar against any parcel of land, which amount shall be paid by such county out of its general fund and charged as taxes against each parcel of land on which the expenses were incurred. Provided, further, that before the county commissioners shall charge such amounts to the taxes of such person or corporation, they shall give such person or corporation at least twenty days' notice by mail, of the time when, and the place at which such amount will be charged against them and such person or corporation shall have the right to appear and show cause why such amount shall not be charged against their taxes. Provided, further, that if such person or corporation shall feel aggrieved by the decision of the county commissioners such person or corporation may appeal to the district court, and such appeal shall be perfected and prosecuted in the

same manner as appeal in justice courts, and the county clerk shall enter such amounts upon the tax roll of the county against the land on which such work has been done, and expenses incurred, except the expenses of exterminating gophers on state lands, which shall be paid by the county; and the county treasurer of such county shall collect such amounts the same as taxes, and place the same to the credit of the respective counties from which collected.

Duty of county clerk to enter charges on tax roll.

Charges against state land.

County treasurer shall collect what.

Section 4. COUNTY COMMISSIONERS LEVY GOPHER TAX. The board of county commissioners of every county in this state may at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding one-half of one mill on the dollar of assessed valuation upon all horticultural, farming and grazing lands in such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of gophers in said county; the fund provided to be raised in accordance with this section shall be denominated the "gopher destruction fund," and shall be kept separate and distinct by the county treasurer, and shall be expended by the board of county commissioners at such time and in such manner as is by said board deemed best to secure the abatement and extermination of the gopher pest.

Gopher tax levy.

Against what lands.

Gopher destruction fund.

How used.

Section 5. The board of county commissioners of any county may, from time to time, purchase such quantities and amounts of poison as the board may deem proper, and may furnish such poison to any person or persons appointed in accordance with the provisions of Section 1 of this Act to exterminate gophers, and may also furnish such poison to other persons desiring to use the same for the extermination of gophers at the actual cost thereof. Provided, however, that the cost of such poison shall be paid for out of the "gopher destruction fund," and all moneys received from the sale thereof shall be paid into said fund.

County commissioners may purchase poisons and furnish same to whom.

Section 6. GOPHERS DEFINED. The word "gopher" as used in this Act shall include striped gopher, flicker tail gopher, pocket gopher, Columbian ground squirrel and prairie dogs.

Word "Gopher" defined.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 97.

“An Act Regulating the Forwarding of Negotiable Instruments for Collection.”

Be it enacted by the Legislative Assembly of the State of Montana:

When banks forwarding negotiable instruments for collection shall not be liable therefor.

Section 1. Any bank organized under the laws of the State of Montana, or engaged in business therein, receiving for collection or deposit any check, note, draft or negotiable instrument may send such instrument for collection directly to the bank on which it is drawn, or at which it is made payable, and the failure of the bank to which such item is sent for collection to account for the proceeds thereof, either because of its insolvency or otherwise, shall not render the forwarding bank liable therefor to the depositor of such item. Provided, however, that such forwarding bank shall have used due diligence in making such collection.

What shall constitute due diligence on the collection of checks, drafts, etc., deposits for collection.

Liability of depositor and others.

Section 2. When a check, draft, note or other negotiable instrument is deposited in a bank for credit or for collection it shall be considered due diligence on the part of the bank in the collection of any check, draft, note or other negotiable instrument so deposited, to forward en route the same without delay in the usual commercial way in use according to the regular course of business of banks, and that the maker, endorser, guarantor or surety of any check, draft, note or other negotiable instrument, so deposited, shall be liable to the bank until actual final payment is received, and that when a bank receives for collection any check, draft, note or other negotiable instrument, and forwards the same for collection, as herein provided, it shall only be liable after actual final payment is received by it, except in case of want of due diligence on its part, as aforesaid.

When bank shall be liable.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved February 28, 1917.

CHAPTER 98.

“An Act Construing, Interpreting, and Settling Ambiguities or Doubt Arising from the Provisions of Section 4044, Revised Codes of Montana, 1907, Relating to the Amount of the Capital Stock of Insurance Corporations Other than Life Insurance Corporations; and

Section 4050, Revised Codes of Montana, 1907, as Amended by Chapter 48 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, and Chapter 114 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Relating to the Classification of Insurance Corporations, Granting Certain Powers Thereunder and Providing Certain Restrictions and Exceptions in Connection Therewith; and Section 4062, Revised Codes of Montana of 1907, as Amended by Chapter 37 of the Session Laws of the Thirteenth Legislative Assembly, Relating to the Manner in Which Insurance Companies, Associations, or Partnerships may Transact Business in the State of Montana, and Relating to the Capitalization of such Insurance Companies, both Foreign and Domestic, and Providing for the Payment of a License Fee by Insurance Corporations Other than Fire and Life Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whereas Section 4044, Revised Codes of Montana, 1907, relating to the amount of the capital stock of insurance corporations other than life insurance corporations; and Section 4050, Revised Codes of Montana, 1907, as amended by Chapter 48 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, and Chapter 114 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, relating to the classification of Insurance Corporations, granting certain powers thereunder and providing certain restrictions and exceptions in connection therewith; and section 4062, Revised Codes of Montana of 1907, as amended by Chapter 37 of the Session Laws of the Thirteenth Legislative Assembly, relating to the manner in which insurance companies, associations, or partnerships may transact business in the State of Montana, and relating to the capitalization of such insurance companies, both foreign and domestic, are in seeming conflict, due to the repeated amendment of the said sections at different sessions of the Legislative Assembly of the State of Montana; and

Explanatory
resolution.

WHEREAS, there has been much confusion incident to the formation, operation and conduct of the business of insurance corporations, due to the ambiguities and contradictions in said provisions; and

Resolution.

Resolution.

WHEREAS, the doubtful state of the law relating to such insurance corporations has caused discussion, difference of opinion as to corporations already organized and has deterred capital from entering that field in the State of Montana;

Declaration of construction.

Section 2. NOW THEREFORE, be it declared by the Legislative Assembly of the State of Montana: that the said sections, with their respective amendments as aforesaid, are hereby construed and interpreted as follows:

Meaning of provisions inserted in Section 4062 of Codes by chapter 39 of Laws of 1913.

That the proviso inserted in section 4062, Revised Codes of Montana of 1907, by Chapter 39 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, is held to permit any single corporation, foreign or domestic, formed for the purpose of carrying on, under one incorporation, the several businesses of plate glass, health, accident, live stock, steam boiler, hail, and cyclone, credit, or other liability insurance, in any combination of the said several businesses, to carry on and engage in said plural insurance businesses, under one incorporation, with a minimum capital stock of \$100,000.00, subscribed, fifty per cent of which shall be paid up in cash, and invested as provided by the laws governing the investment of the capital stock of fire insurance companies. Nothing contained in sections 4044, Revised Codes of 1907, or 4050, Revised Codes of Montana of 1907, as respectively amended as aforesaid, shall be held to preclude, prohibit, or limit the construction hereby imposed, but nothing herein contained shall be held to affect existent laws relating to life insurance or fire insurance companies.

Businesses which may be engaged in under one incorporation.

How sections 4044 and 4050 of Compiled Codes and various amendments thereto affected by this Act.

License fee to be paid by insurance companies other than life and fire companies.

Duty of Insurance Commissioner.

Section 3. All insurance companies other than fire and life insurance companies operating in the State of Montana, whether foreign or domestic corporations, shall annually on or before the 1st day of March of each year pay a license fee to the Insurance Commissioner of the State of Montana of fifty (\$50.00) dollars per annum, and the Insurance Commissioner shall thereupon issue to such corporation a license authorizing it to transact business within the State of Montana for the ensuing year.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3, 1917.

CHAPTER 99.

"An Act to Amend Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, Providing for a Land Office Expense Fund, and the Disposition of the Same."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana is hereby amended to read as follows:

Section amended.

"Section CIV. All moneys received as fines, fees and forfeitures under this Act, or as penalties for the violation of any of the land laws of this State, and not otherwise provided for, shall be paid to the State Treasurer, and by him kept in a separate fund to be known as the Land Office Expense Fund. The expenses of the State Land Office incurred in the selection, appraising, classifying, platting, leasing, selling, management or protection of state lands, shall be paid out of any moneys now in said Land Office Expense Fund, or hereafter paid into said fund, so far as the same shall go toward the payment of said expenses, or vouchers certified by the State Board of Examiners that the said expenses were necessary and actually incurred in the selection, appraising, classifying, platting, leasing, selling, management or protection of State lands. If at any time the moneys in said Land Office Expense Fund shall not be sufficient to pay said expenses, they shall be paid out of the several Land Grant Income Funds, and the State Board of Examiners in approving the same, shall designate the particular fund out of which said expense shall be paid; provided, that no money shall be expended for the benefit of any lands other than those in the land grant from which the particular Income Fund has been derived; provided, further, that no moneys shall be paid out of this fund except when appropriated by the Legislature.

Disposition of money collected as penalties.

Land office expense fund. Certain expenses to be paid out of.

Certified vouchers by State Board of Examiners.

When expense may be paid out of other funds.

Limitations as to funds from which payments may be made.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1917.

CHAPTER 100.

“An Act to Amend Section 2763 of the Revised Codes of the State of Montana Relating to Licenses.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 2763 of the Revised Codes of the State of Montana be amended so as to read as follows:

“Section 2763. Oleomargarine. Cigarettes. Warehouses.

License fee for selling oleomargarine, butterine or imitation cheese.

1. Every person, company or corporation selling oleomargarine, butterine, or imitation of cheese, shall pay a license of one cent per pound for all these articles sold.

License for selling cigarettes and papers.

2. Every person, or persons, who is engaged in the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco, shall pay a license of twenty-five (\$25.00) dollars per annum.

License to be paid by railroads acting as warehouseman.

3. Each railway company acting in the capacity of a warehouse for the purpose of storing and distributing goods, except any other than the capacity of common carriers, shall pay a license of ten (\$10.00) dollars per quarter in each county in which said business may be carried on.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and take effect from and after its passage and approval.

Approved March 1st, 1917.

CHAPTER 101.

“An Act Amending Section 459 of the Revised Codes of Montana, 1907, Fixing the Compensation of Boards of Election.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amended section.

Section 1. That Section 459 of the Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows:

Compensation of election officers.

“Section 459. The compensation of members of boards of election, including judges and clerks, is hereby fixed at forty cents per hour for the time actually on duty, and must be audited by the Board of County Commissioners and paid out of the County Treasury.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 102.

“An Act to Accept the Terms and Provisions of the Federal Act Giving Aid to the Several States for Vocational Education, and to Authorize the State Board of Education to Establish Vocational Education in the Public Elementary Schools and Public High Schools of the State; to Provide for the Training of Teachers of Vocational Subjects, Designating the State Treasurer as Custodian for Vocational Education with Authority to Accept and Disburse Money Received From the Federal Government for such Vocational Education, and the Training of Teachers and Appropriating Money to Meet Appropriations Made by the Federal Government for such Purposes.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State of Montana hereby accepts and assents to the terms and provisions of the Act of Congress entitled:

Acceptance of terms of Act of Congress concerning vocational education.

“An Act to provide for the promotion of vocational education; to provide for co-operation with the States in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures.”

Title to Congressional Act.

Section 2. The State Board of Education shall have authority to co-operate with district and county school boards in the establishment and maintenance in the public elementary schools and public high schools of the State, courses for vocational training in agriculture, trades and industries, home economics and commercial subjects.

Authority of State Board of Education concerning vocational education.

Section 3. The State Board of Education shall have authority to adopt rules and regulations governing such vocational courses, including the right to fix the qualifications of instructors and the courses of study to be followed in such schools. Such rules and regulations and all courses of study, shall conform to any requirements of the Federal Board for Vocational Education.

State board to have authority to adopt rules and regulations.

Shall conform with Federal Act.

Section 4. The State Board of Education shall apportion the money appropriated under this Act, and any money received for vocational education from the Federal Government under the Act of 1917 to the public elementary and public high schools of the State in which

Apportionment of money received for vocational education.

Proviso.

have been established and maintained courses for vocational training as provided in Section 2 of this Act, provided, however, that no apportionment shall be made to any school unless the work of such school and the instructors employed therein shall have been approved by the State Board of Education. Money received from the Federal Government for the training of teachers, supervisors and directors of vocational subjects, together with an equal amount out of the money appropriated by this Act shall be apportioned by the State Board of Education to the several institutions in which the training of vocational teachers is carried on under the direction of the State Board of Education.

Apportionment of money received training teachers, etc.

State Treasurer designated custodian for vocational education. Distribution of money under Act.

Section 5. The State Treasurer is hereby designated as the "Custodian for Vocational Education," and under the direction of the State Board of Education, he shall disburse all money appropriated under this Act, and all money received by the State of Montana for Vocational Education from the Federal Government.

Appropriation for 1917.

Section 6. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000) for the year ending February 28, 1918, and there is hereby appropriated the sum of Fifteen Thousand Dollars (\$15,000) for the year ending February 28, 1919, the same to be expended for Vocational Education under the direction of the State Board of Education as provided in this Act.

Appropriation for 1918.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1917.

CHAPTER 103.

"An Act Requiring the Publication in Official County Papers of the Lists of Adulterated and Misbranded Foods, Beverages, Candies, Drugs and Other Preparations and Products as Reported by the State Board of Health."

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of State Board of Health.

Section 1. It shall be the duty of the State Board of Health to furnish to the clerk of each county in the State a certified list of the adulterated and misbranded foods, and products entering into the preparation of foods, beverages, candies, drugs, and all other products and prep-

arations under the jurisdiction of said Board of Health, as found by the analysis and investigation of said Board. Said list shall show the brand and name of the article, the manufacturer or jobber, and the reason for classing the same as illegal, together with any necessary comments thereon. The county clerk of each county, where said misbranded food is found, shall cause the said list to be printed in the official papers of such county. Such publication shall be made not more than four times each year and shall be paid for by such county at the rate allowed by law for publishing the proceedings of the board of county commissioners. Provided, that whenever the Board of Health or their assistants shall discover any foods, beverages, candies, drugs or other products or preparations under the jurisdiction of said Board to be adulterated or misbranded, the said Board of Health shall immediately notify the party responsible for placing the same upon the market and said party shall have ten days in which to show cause why the results of said investigation or analysis should not be published.

List shall show.

Publication by County Clerk of list of adulterated foods, drugs, etc.

Duties of Board of Health when discoveries of adulterations and misbranding is made.

Section 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved Feb. 27, 1917.

CHAPTER 104.

“An Act Providing how Many Times per Week Orders, Rules, Summons and Notices of All Kinds Shall be Published When Not Otherwise Prescribed.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That where not otherwise expressly prescribed by law, all rules, orders and decrees of court, summons and notices of all kinds, whether given by any court, judge or clerk thereof, or by any other officer, board or commission, which by the laws of this State are required to be published in any newspaper, shall be published once a week during the time prescribed by law for publication thereof, whether such publication be made in a weekly, semi-weekly, tri-weekly or daily newspaper.

Publication of rules, orders, decisions of court, summons, notices, etc.

Published, how often.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1917.

CHAPTER 105.

“An Act to Provide for a High School Tax and to Provide for High School Instruction in All Counties not Having County High Schools.”

Be it enacted by the Legislative Assembly of the State of Montana:

High School Tax
to be levied in
what counties.

Limit of levy.

Duty of Chair-
man of School
Board to recom-
mend to County
Commissioners
amount of money
required.

Duty of County
Commissioners to
make levy.

Apportionment
money.
Free High

Free High
School.

Section 1. In any county not maintaining a county high school but in which one or more districts maintain high school classes duly accredited for one, two, three or four years of high school work by the State Board of Education, a special tax, not exceeding three mills on each dollar of taxable property in the county, shall be made for the benefit of such schools. When such levy is to be made, the chairman of the board of trustees in each school district in which an accredited high school has been maintained during the preceding school year shall on or before the first day of August in each year, recommend and advise the board of county commissioners as to the amount of money required, and the board of county commissioners shall thereupon fix such a levy, not exceeding three mills, as will raise sufficient money to meet the expenses of such accredited high schools for maintenance during the ensuing school year, and the money derived from such levy shall be apportioned by the county superintendent of schools to the several districts in which such accredited high schools are maintained in proportion to the total number of days' attendance of accredited high school classes for the school year next preceding, as determined by the said county superintendent.

Section 2. Attendance at any high school to whose support such money is apportioned in accordance with the provisions of this Act, shall be free to all eligible pupils residing in the county in which such accredited high school is situated.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage.

Approved February 27, 1917.

CHAPTER 106.

“An Act to Amend Section 12 of Chapter 111 of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, Known as the General Highway Law Relating to the Classification and Permanent Improvement of Public Highways.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12 of Chapter 111 of Chapter 141 of the Laws of the Fourteenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Section amended.

“The Board of County Commissioners may direct some member or members of said Board, or the County Surveyor to inspect the condition of any highway or any work, contract or otherwise, being done on any highway or bridges in their county, and if such inspection shall not be under a prior order it shall be subsequently approved at the first regular meeting of the Board after such inspection.”

Inspection of work on highways.

When inspection to be approved.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1917.

CHAPTER 107.

“An Act to Amend Section 435 of the Revised Codes of the State of Montana, of 1907, Relating to Payment of Salaries of Officers.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 435 of the Revised Codes of the State of Montana, of 1907, be amended to read as follows:

Section amended.

“Section 435. Unless otherwise provided by law the salaries of officers must be paid out of the General Fund in the State Treasury, monthly, on the last day of the month.”

Salaries of state officers to be paid out of General Fund.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28th, 1917.

CHAPTER 108.

“An Act Establishing and Defining the Boundary Line Between Musselshell County and Rosebud County, State of Montana.”

Boundary between Musselshell and Rosebud counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the boundary lines between Musselshell County and Rosebud County, State of Montana, are by this Act established and shall be hereby known as follows:

Beginning at a point on the Musselshell River on the eastern boundary line between Musselshell and Rosebud Counties at the southeast corner of Section twenty-nine (29), Township ten (10) North, Range thirty-one (31) East, Montana Principal Meridian, running thence East along the south line of Sections twenty-eight (28) and twenty-seven (27) to the southwest corner of Section twenty-six (26) in Township ten (10) North, Range thirty-one (31) East, Montana Principal Meridian. Thence South along the east line of Section thirty-four (34) Township ten (10) North, Range thirty-one (31) East, Montana Principal Meridian, and along the East line of Sections three (3), ten (10), fifteen (15), twenty-two (22), twenty-seven (27) and thirty-four (34) of Township nine (9) North, Range thirty-one (31) East, Montana Principal Meridian, to the southeast corner of said Section thirty-four (34) in Township nine (9) North, Range thirty-one (31) East, Montana Principal Meridian. Thence East along the south line of Sections thirty-five (35) and thirty-six (36) of Township nine (9) North, Range thirty-one (31) East, Montana Principal Meridian, and Section thirty-one (31) of Township nine (9) North, Range thirty-two (32) East, Montana Principal Meridian, to the southeast corner of the Southwest Quarter of the Southwest Quarter of Section thirty-one (31), Township nine (9) North, Range thirty-two (32) East, Montana Principal Meridian.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28th, 1917.

CHAPTER 109.

“An Act to Establish a Game Preserve in South Moccasin Mountains, Fergus County, Montana, for the Protection of Game Animals and Game Birds, and Providing Penalties for the Pursuing, Hunting or Killing of Such Animals or Birds in Such Preserve.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the better protection of game animals and game birds, the following area in Fergus County, in the South Moccasin Mountains, of the State of Montana, be, and it is hereby, set aside and established as a State Game Preserve, to be known and designated as the "South Moccasin Mountain Game Preserve," to-wit:

South Moccasin
Mountain Game
Preserve created.

"Beginning at the northeastern corner of Section thirty (30), Township seventeen (17) North, Range eighteen (18) east; running thence in a due westerly course a distance of five (5) miles to the northwest corner of Section twenty-eight (28), Township seventeen (17) North, Range seventeen (17) East; thence south two (2) miles; thence west one-half ($\frac{1}{2}$) mile to the northwest corner of Section four (4), Township sixteen (16) North, Range seventeen (17) East; thence due south a distance of four (4) miles to the southwest corner of Section twenty-one (21), Township sixteen (16) North, Range seventeen (17) East; thence due east a distance of five (5) miles to the southeast corner of Section nineteen (19), Township sixteen (16) North, Range eighteen (18) East; thence due north a distance of four (4) miles to the northeast corner of Section six (6), Township sixteen (16) North, Range eighteen (18) East; thence due east one-half ($\frac{1}{2}$) mile to the southeast corner of Section thirty-one (31), Township seventeen (17) North, Range eighteen (18) East; thence due north two (2) miles to the northeast corner of Section thirty (30), Township seventeen (17) North, Range eighteen (18) East, Montana Principal Meridian, the place of beginning.

Boundaries of.

Section 2. It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any game animals or game birds whatever within the limits of said game preserve, or to discharge any firearms or to create any unusual disturbance tending to frighten or drive away any game animals or any game birds within said preserve; provided, however, that permits to capture and destroy mountain lions, wolves, foxes, coyotes, cats, wildcats, mink and any other predatory animals may be issued by the State Game Warden upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of

Hunting game,
firing guns and
creating disturb-
ances in pre-
serves forbidden.

Permits to cap-
ture and destroy
certain wild ani-
mals may be
given, when.

Violation of Act.

Penalty.

a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars or by imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and take effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 110.

“An Act to Amend Sections 302 and 303 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, 1913; and Section 3195, Revised Codes, 1907, Relating to County Superintendents, Their Duties, and Their Expenses.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amended section.

Section 1. That subdivision 19 of Section 302, of Chapter 76, Session Laws of the Thirteenth Legislative Assembly, be amended so as to read as follows:

Superintendent of schools may appoint clerk in certain counties when.

19. CLERK AND DEPUTY. The County Superintendent of counties having fifty or more rural teachers is authorized to appoint one clerk, and the County Superintendent of counties having fewer than fifty rural teachers may, with the permission of the County Commissioners, appoint a clerk at a salary to be fixed by the Board of County Commissioners.

Salary of Clerk.

County Commissioners may appoint a deputy county superintendent in what counties.

The County Commissioners of counties having not less than one hundred public school teachers, in districts of the third class, may appoint one deputy other than the clerk, from a list furnished by the county superintendent. Such deputy shall hold a Montana certificate not less in value than a professional grade certificate; and shall be paid a salary of One Hundred (\$100.00) Dollars per month and actual traveling expenses.

Qualifications of deputy.

Salary.

Amending section.

Suitable office and supplies to be furnished superintendent.

Section 2. That Section 303 of said Act be amended so as to read as follows:

303. EXPENSES. The County Commissioners shall furnish the County Superintendent with a suitable office. They shall also furnish him or her with all necessary stationery and postage.

Section amended.

Section 3. That Section 3195, of the Revised Codes, 1907, be amended so as to read as follows:

Necessary traveling expenses to be paid superintendent.

3195. COUNTY SUPERINTENDENT'S TRAVELING EXPENSES. Each County Superintendent of

Schools shall be paid all necessary traveling expenses, actually incurred in the discharge of his or her duties.

Section 4. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing clause.

Section 5. This Act shall be in force and effect from and after its passage and approval.

Approved March 1st, 1917.

CHAPTER 111.

“An Act to Provide for the Support of the Government of the State of Montana for the Years 1917 and 1918.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby levied for State purposes upon all the property in the State liable to taxation for the year 1917, an advalorem tax of two and one-half ($2\frac{1}{2}$) mills on each dollar of the valuation of such property. State tax levy.
for year of 1917.

Section 2. There is hereby levied for State purposes upon all the property in the state liable to taxation for the year 1918, an advalorem tax of two and one-half ($2\frac{1}{2}$) mills on each dollar of the valuation of such property. State tax levy
for year 1918.

Section 3. There is hereby levied upon all the property in the State liable to taxation for the year 1917, an advalorem tax of one-fourth ($\frac{1}{4}$) mill on each dollar of the valuation of all such property for the purposes of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 144, laws of 1911. Levy for year of
1917 for interest
and sinking fund;
Insane Asylum
purchase bonds.

Section 4. There is hereby levied upon all property in the State liable to taxation for the year 1918, an advalorem tax of one-fourth ($\frac{1}{4}$) mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana pursuant to the provisions of Chapter 144, laws of 1911. Levy for year
1918 for interest
and sinking fund;
Insane Asylum
purchase bonds.

Section 5. There is hereby levied upon all property in the state liable to taxation for the year 1917, an advalorem tax of one-twentieth ($\frac{1}{20}$) of a mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of State levy for
year 1917 for in-
terest and sink-
ing fund for pay-
ment of Asylum
and Tuberculosis
sanitarium
bonds.

Montana pursuant to the provisions of Chapter 105, Acts of the Fourteenth Legislative Assembly of the State of Montana.

State levy for year 1917 for interest and sinking fund to pay Asylum and Tuberculosis Sanitarium bonds.

Section 6. There is hereby levied upon all property in the State liable to taxation for the year 1918, an ad-valorem tax of one-twentieth (1-20) of a mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana pursuant to the provisions of Chapter 105, Acts of the Fourteenth Legislative Assembly of the State of Montana.

Section 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 112.

“An Act to Cede Jurisdiction to the United States Over That Part of the Yellowstone National Park in the State of Montana, and for Other Purposes.”

Be it enacted by the Legislative Assembly of the State of Montana:

Ceding exclusive jurisdiction of Yellowstone National Park to the United States.

Section 1. That exclusive jurisdiction shall be, and the same is hereby, ceded to the United States over all that part of the territory situate in the State of Montana now embraced in the Yellowstone National Park, described as follows:

Boundaries of park within the State of Montana.

Beginning at the intersection of the east boundary of Yellowstone Park with the south boundary of Montana; thence north to the northeast corner of said Park; thence west along the north boundary of the Park to the northwest corner thereof; thence south along the west boundary of the Park to the boundary between Montana and Idaho; thence easterly along that boundary to the west boundary of Wyoming; thence north along the west boundary of Wyoming to the northwest corner thereof; thence east along the boundary between Wyoming and Montana to the east boundary of said Park, the place of beginning; containing an area of approximately 198 square miles, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid described lands, as long as the lands herein

Reserving to the state right to serve civil and criminal processes within said boundaries.

described are used for a National Park and no other purposes, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside the lands aforesaid, and saving further to the said State the right to tax persons and corporations, their franchises and property on said lands; Provided, however, that jurisdiction shall not vest until the United States, through the proper officer or officers, notifies the Governor of the State of Montana that they assume police or military jurisdiction over said lands.

Also reserving the right to tax property within such boundaries.

When United States jurisdiction to vest.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 3, 1917.

CHAPTER 113.

“An Act Providing That the Name of Any County Within This State May be Changed, and Providing a Method Whereby Such Change May be Accomplished.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The name, designation, appellation, cognomen or title of any county in this state may be changed to any other name, designation, appellation, cognomen, or title, as in this Act provided.

Name of any county may be changed, how.

Section 2. Petitions for change of names must be heard and determined by the district court of the county whose name is sought to be changed.

Petition for change must be heard by what Court.

Section 3. A petition for the change of the name, designation, cognomen, appellation, or title of any county in this state must be signed by a number of the legal voters in such county equal, at least, to twenty-five (25) per centum who are taxpayers and voters of the whole number of votes cast for the office of Governor of Montana, in such county, at the gubernatorial election next preceding the circulation of such petition. The signatures, in each instance, must be the genuine personal signature of the voter attaching his name to the petition. The petition must specify the present name of the county, the name proposed, and the reason or reasons for such change of name, and must be entitled in and addressed to the appropriate district court aforesaid.

Petition must be signed by whom.

What petition shall specify.

Section 4. The following shall be substantially the form of petition for any change of name of a county as in this Act provided:

Form of petition.

IN THE DISTRICT COURT OF THE.....
JUDICIAL DISTRICT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF.....

Petition for the Change of the
Name of County.

To the Honorable District Court of the.....
Judicial District of the State of Montana, in and for the
County of.....

We, the undersigned legal voters of the County of _____, State of Montana, respectfully petition the Honorable District Court aforesaid, that the name of _____ County, Montana, be changed to the name of _____ County, Montana.

The reasons for the proposed change of name as aforesaid, are as follows:

(HERE SET OUT REASONS.)

We further petition this Honorable Court to appoint a time for the hearing of this petition, and of such objections thereto as may be filed before such date.

Each voter whose signature is hereto affixed hereby certifies that he has personally signed this petition, and that the residence, postoffice address and voting precinct of such signer is correctly written after his signature appearing hereon.

[illegible]

'NUMBERED LINES FOR NAMES.'

Petition to be
filed with Clerk
of District Court.

Every such sheet for petitioner's signature shall be attached to a full and correct copy of the petition; and such petition may be filed with the Clerk of the District Court aforesaid, in sections for convenience in handling.

Duty of County Clerk to compare signatures.

Section 5. The County Clerk of the county in which such petition shall be signed shall compare the signatures of the voters signing the same with their signatures on the registration books and blanks on file in his office, for the preceding general election, and shall thereupon attach to the sheets of said petition containing such signatures, his certificate to the district court aforesaid, substantially as follows:

Certificate of
County Clerk.

STATE OF MONTANA, }
COUNTY OF } ss.

To the Honorable District Court of the.....
Judicial District of the State of Montana, in and for the
County of.....

I, _____ County Clerk of the County of _____, hereby certify that I have compared the signatures on (number of sheets) of the petition for change of name attached hereto, with the signatures of said voters as they appear on the registration books and blanks in my office; and I believe that the signatures of (names of signers) numbering (number of genuine signatures) are genuine. And I further certify that the number of genuine signatures hereto attached equals at least twenty-five per centum of the whole number of votes cast for the office of Governor of Montana, in said county at the gubernatorial election next preceding the circulation of this petition.

_____ County Clerk.
(SEAL) By _____
DEPUTY _____

The County Clerk shall not retain in his possession any such petition, or any part thereof, for a longer period than two days for the first two hundred signatures thereon, and one additional day for each two hundred additional signatures, or fraction thereof on the sheets presented to him, and at the expiration of such time he shall file the same with the Clerk of the District Court aforesaid, with his certificate attached thereto as above provided. The forms herein given are not mandatory, and if substantially followed in any petition, it shall be sufficient disregarding clerical and merely technical errors.

Limit of time during which County Clerk may retain petition.

Forms to be followed to what extent.

Section 6. Upon the filing of the petition as aforesaid, the Clerk of the District Court, upon the receipt of the costs from any voter in the county, shall cause a copy of the same to be published for four successive weeks in some newspaper published in the county, and a copy of such petition must be posted at three of the most public places in the county for a like period by the said Clerk of the District Court, and proofs must be made of such publication and posting before the petition can be considered, and before a date for the hearing thereon may be fixed by the court.

Clerk of District Court shall publish petition, when and where.

Posting of petition.

Proof of posting and publication.

Section 7. Such petition must be heard at such time as the court or judge may appoint, subject to the provisions of section six of this Act, and objections may be filed in the office of the clerk of said court at any time before such date by any person who can, in such objection

Court to appoint time of hearing.

Objections may be filed, when and by whom.

Proceedings on hearing.

tions, show to the court or judge, good reason against such change of name. On the hearing the court or judge may examine on oath, any of the petitioners, remonstrants, or other persons touching the petition, and may make an order changing the name if there appears any reason, benefit, or advantage for such change, or may dismiss the petition as to the court or judge may seem right or proper.

Duty of district court clerk when decree changes name of county.

Section 8. Immediately upon the rendition of any decree changing the name of a county as in this Act provided, the clerk of the district court of said county shall transmit, by registered mail, a certified copy of said decree, showing the date of its rendition, to the Secretary of State of the State of Montana, who shall file the same and record the same in an appropriate book.

Duty of Secretary of State.

How official records to be styled in case of change of name.

Section 9. From and after the rendition of the decree the official records in the custody of the several county officers shall be styled and designated, as in each instance may be proper, with the new name of the county as provided by the decree; and all printed blanks, forms, and all printed matter whatsoever, and all written records of such county shall be styled and designated with the new name; all the official records, blanks, forms, books and papers belonging to such county before the entry of such decree shall be styled and designated with the new name as in the decree provided; but for the convenience of searchers of public records, and in order to prevent confusion with respect to land titles, or in any other respect, it shall be proper to style, designate, or refer to such records, books, papers, blanks, forms as were in existence before the rendition of such decree in the following manner:

Change in printed forms, blanks, etc.

Change of name or style in existing records.

Reference to prevent confusion in title and other records.

New Name	(Formerly)	Old Name County
----------	------------	-----------------

Existing public records to remain public records of the county.

Section 10. All public records and property of the county existing under the former name shall be and become the public records and property of the county of the new name and in all conveyances, indentures, instruments, decrees of courts, and other records, where the former name of the county occurs, said former name shall hereafter be construed to mean the new name of the county. All writs and processes in force and existence under the former name of the county shall thereafter be the writs and processes of and appertaining to the county under its new name; and all bonds, under-

Effect on writs and processes in force.

takings, and sureties alive and in existence and running to or standing in the former name of the county, shall have the same force, effect, and relation to the county under its new name as they had to the county under its former name. All suits, actions, and proceedings in law or equity pending in the District Court of the county under its former name, or in any of the other courts of said county, shall continue in full force and be in existence in the said court in which they were pending, under the new name of the county; and shall not be in anywise abated, or affected by the change of name.

Not to affect bonds and undertaking.

Suits and actions.

Section 11. The change of name herein provided for shall not impair or work a forfeiture or alteration of any vested rights and all laws of a general or special nature applicable to the county under its former name shall thereafter apply with equal force and effect to the county under its new name.

Vested rights and existing laws not affected.

Section 12. All indebtedness and obligations of the county whether bonded or otherwise shall be assumed by and become the indebtedness of the county under its new name and shall be the indebtedness and obligations of such county as theretofore; and all bonds theretofore issued by the county under its former name outstanding and unpaid at the time of the rendition of the decree shall be assumed by and become due from and paid by said county under its new name. All contracts and obligations express or implied unfulfilled by the county at the date of the rendition of the decree shall be assumed and discharged by such county under its new name.

County obligations.

County contracts.

Section 13. The terms of the district court in and for said county as theretofore established by the court or a judge thereof under the former name of the county shall become the terms of said court for the county under its new name and shall be held as stated in and for said county under its former name.

Terms of court.

Section 14. Persons who are at the date of the rendition of the decree the county, township, and district officers or officials, and members of the Legislative Assembly of the county under its former name shall remain in office and shall thereafter be the county, township, district, and Legislative officials of the county under its new name and as such shall be entitled to the same salaries or compensation during the remainder of their terms of office that they were entitled to receive from the county under its former name. No change of

Not to affect terms of county and other officers.

As to county boundaries.

name shall be so construed as to alter or modify the boundaries of the county as the same existed and were established under the former name of the county, but such boundaries shall be and remain the same until changed according to law.

Section 15. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 114.

“An Act to Provide Normal Training Courses and Junior College Courses in High Schools; Providing that Such High Schools Shall be Free to All Children of the Respective Counties, Fixing Requirements Upon Which Teachers' Certificates May be Issued After July First, 1920,” and Providing that Certain Expenditures for Such Purposes Shall First be Submitted to a Vote of the Qualified Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

High schools empowered to establish Normal Training when.

Section 1. Any accredited High School in the State, approved as hereinafter provided, may establish Normal Training Courses for rural school teachers, or Junior College Courses, or both.

Superintendent of Public Instruction to outline Normal Training courses. Shall include what.

Section 2. The State Superintendent of Public Instruction shall outline the work to be followed in such Normal Training courses, which shall include during the eleventh and twelfth grades, not less than nine weeks of review in each of the common branches, including reading, arithmetic, grammar, and geography, and not less than one-half year of general agriculture, one year of domestic science for girls, and one year of manual training for boys, and not less than one-half year in pedagogy and practice teaching.

Instructors engaged in Normal Training to be approved by whom.

Section 3. All instructors employed in Normal Training work shall be approved by the State Superintendent of Public Instruction, and such instructors in domestic science, agriculture, and manual training shall have had special training in such work.

Special training required.

Normal training library to be maintained.

Section 4. A normal training library of not less than fifty books approved by the State Superintendent of Public Instruction shall be maintained by each high school for the use of normal classes.

Section 5. The State Superintendent of Public Instruction shall prescribe all necessary rules and regulations for such normal training work, and the County Superintendent of Schools shall visit such classes and shall report to the State Superintendent upon blanks furnished by the Department, and in reporting upon such classes, only those students shall be counted as normal training students who have completed the tenth grade in High School.

Rules and regulations.
County Superintendent to visit classes and report to whom.

Who to be counted as Normal Training students.

Junior College course; requirements and regulations.

Section 6. The Junior College courses established in any high school shall conform to such requirements and regulations as may be prescribed by the Chancellor of the University of Montana.

High school attendance to be free, when.

Section 7. In any County where such Junior College courses or normal training courses shall be maintained in any High School, all students belonging in the County shall have the right to attend any such High School free of cost to such student.

Teachers certificates to be issued to whom after July 1, 1920.

Section 8. After July first, 1920, no person shall be given a regular certificate to teach, who has not had at least twelve weeks of normal training work.

Section 9. None of the common school funds shall be used in any county to carry out the purpose of this Act, without first submitting such proposed expenditure to a vote of the qualified electors affected thereby.

When county common school funds may be used for purposes of this Act.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 3, 1917.

CHAPTER 115.

“An Act to Amend Section 79 of the Revised Codes of 1907 as Amended by Chapter 1 of the Session Laws of the Fourteenth Legislative Assembly Relating to the Compensation of Certain Officers and Employes of the Legislative Assembly.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 79 of Chapter 1 of the Session Laws of the Fourteenth Legislative Assembly be amended so as to read as follows:

“Section 79. There must be paid to the Secretary of the Senate, the Chief Clerk of the House of Representatives, the Sergeant-at-Arms of each House, ten dollars per day each; to the Assistant Secretary of the Senate,

Compensation of officers and employes of the Legislative Assembly.

the Assistant Chief Clerk of the House of Representatives, the Journal Clerk, the Engrossing Clerk, Enrolling Clerk, Bill Clerk and Assistant Sergeant-at-Arms, eight dollars per day each; to the Assistant Journal Clerk, Assistant Enrolling Clerk, Assistant Engrossing Clerk, Printing Clerk, Reading Clerk, the Clerks of the President of the Senate and Speaker of the House, the Judiciary Clerk of each House, the Clerks of the Chief Clerk of the House and the Secretary of the Senate, six dollars per day each; to the Committee Clerks, Doorkeepers, Janitors, Assistant Janitors, Watchman and Chaplain of each House, five dollars per day each; to each Page and Messenger, four dollars per day; to all employes of the Legislative Assembly, not herein specifically enumerated, five dollars per day each."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 116.

"An Act to Authorize the Attorney General to Designate an Assistant Attorney General Who Shall Have Authority to Do and Perform Certain Matters and Things Required or Which May be Done by the Attorney General."

Be it enacted by the Legislative Assembly of the State of Montana:

Power of Attorney General to designate assistant who shall be empowered to do certain official acts.

To be done in the name of the Attorney General. Section not to be construed how.

Section 1. The Attorney General may designate one Assistant Attorney General who shall have authority to do and perform any and all matters and things required, or which may be done by the Attorney General, except such duties as devolve upon him by virtue of the Constitution and all such matters and things, when done or performed by the Assistant Attorney General so designated, shall have the same force and effect as if done and performed by the Attorney General; Provided, however, that all such matters and things shall be done in the name of the Attorney General: Provided, however, that this Section shall not be construed as adding any new deputies or assistants to the number now provided for by law for the office of Attorney General.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 117.

“An Act for the Purpose of Commemorating the Explorations of the Lewis and Clark Expedition and to Aid in the Erection of Heroic Bronze Statues of Meriwether Lewis and William Clark at the Great Falls and at the Three Forks of the Missouri River, Providing for Creation of the Lewis and Clark Memorial Commission and Making Appropriations Therefor.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in recognition of the foresight and broad statesmanship of Thomas Jefferson displayed on many occasions during a long public career and particularly in the acquisition of the Province of Louisiana in 1803, embracing more than a million square miles and since divided into thirteen commonwealths of the American Union, within the borders of which we are met and in commemoration of the Expedition of Meriwether Lewis and William Clark which explored during the following three years the region from the mouth of the Missouri river to the mouth of the Columbia river and who celebrated the twenty-ninth anniversary of the Independence of the United States of America at the Great Falls and camped at the Three Forks of the Missouri river a month later where Andrew Henry established his fort in 1810.

Declaratory section.

Section 2. That, believing the work of these explorers is worthy of commemoration in bronze, we approve of the purpose of the Society of Montana Pioneers and other organizations and persons co-operating to erect at these historic sites heroic bronze statues of Lewis and Clark, in replica.

Declaratory section.

Section 3. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Five Thousand (\$5,000) Dollars for the purpose of aiding in the erection of such heroic bronze statues at the sites above specified.

Appropriation to assist in erecting statues at Great Falls and Three Forks.

Section 4. That when the Treasurer of the Society of Montana Pioneers shall show to the Governor of the State of Montana that the sum of Fifteen Thousand (\$15,000) Dollars or more has been subscribed for the purpose of erecting such statues and said sum deposited in some United States National Depositary at Helena, Montana, there shall be created and organized a Commission which shall be known as the Lewis and Clark Memorial Commission consisting of five members for the

Lewis and Clark Memorial Commission to be created, when.

Number of members.
Purpose of the commission.

purpose of designing said statues, their construction, casting, designating the places where they shall be placed, and so placing the same and seeing to the proper expenditure of the sum hereby appropriated.

Commissioners to be appointed by whom.

That of the said Commission the Governor of Montana shall appoint two members and the President of the Society of Montana Pioneers shall appoint three members to hold such office until the purpose of this Act shall be fulfilled and should a vacancy occur in said Commission by resignation or otherwise the same shall be filled by the officer making such original appointment.

Term of office.

Officers of commission.

Section 5. That the officers of said Commission shall consist of a President, a Vice-President, a Secretary and a Treasurer, to be elected by said Commission when organized; the Treasurer shall be the custodian of the funds raised for the purpose of the erection of the said bronze statues, and said officers shall serve without pay, except that the necessary expenses of said members incurred in attending the meetings of said Commission or on duties imposed by said Commission may be paid out of the funds of said Commission.

Custodian of funds.

Officers to serve without compensation. Expenses allowed.

Auditor to draw his warrant for five thousand dollars, when.

Section 6. That when so organized the Auditor of the State of Montana is hereby authorized, empowered and directed to draw his warrant on the State Treasurer in the sum of Five Thousand (\$5,000) Dollars, to the order of the Treasurer of the said Lewis and Clark Memorial Commission and the Treasurer of the State of Montana is hereby authorized to pay the said sum of Five Thousand (\$5,000) Dollars to the Treasurer of said Commission for the purpose of carrying into effect the provisions of this Act.

Section 7. This Act shall be in full force and effect from and after its approval.

Approved March 5, 1917.

CHAPTER 118.

“An Act to Regulate the Sale and Distribution of Tuberculin.”

Be it enacted by the Legislative Assembly of the State of Montana:

Tuberculin; permission to sell must be obtained.

Section 1. Any person, firm or corporation desiring to sell or distribute tuberculin for animal use in the State of Montana, must first secure permission from the Live Stock Sanitary Board.

Section 2. Any person, firm or corporation having secured permission from the Live Stock Sanitary Board to sell or distribute tuberculin for animal use within this State as prescribed in Section 1, shall, on the same day of selling, furnishing or supplying tuberculin, report in writing to the Live Stock Sanitary Board the name, or names, and address of the person, or persons, furnished, including a statement of the amount of tuberculin supplied.

Reports of sales of must be made to whom and when.

Section 3. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five (\$25.00) dollars and not more than five hundred (\$500.00) dollars or by imprisonment for not less than thirty (30) days and not more than ninety (90) days, or both fine and imprisonment.

Violation of Act a misdemeanor. Penalty.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act to take effect April 15, 1917.

Approved February 27, 1917.

CHAPTER 119.

“An Act to Amend Sections 3465, 3466, 3471, 3472 and 3478 of the Revised Codes of 1907 of Montana, Relating to the Laying Out, Surveying, Platting and Recording of any City or Town, or Any Addition to Any City or Town, or Any Tract of Land Within the Limits of Any City or Town, or Any Townsite, or Any Tract of Land Outside of the Limits of Any City or Town Sold in Small Tracts or Acreage Tracts Less than the United States Legal Subdivision, Requiring Sales to be Made by Reference to such Plats and the Numbers of such Lots and Blocks; to Facilitate the Transfer or Taxation of such Property; and to Prevent Boundary Disputes; Providing for Public Parks Within Such Platted and Surveyed Area; to Promote and Preserve the Public Welfare by Prohibiting Certain Things Hurtful to the Comfort, Safety and Welfare of Society by Establishing Such Rules and Regulations for the Use, Sale and Management of Property as May be Conducive to Public Interest; and Providing Penalties for the Violation of such Provisions.”

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section
3465, Codes of
1907.

Section 1. That Section 3465 of the Revised Codes of 1907 of Montana be, and the same is hereby amended so as to read as follows, to-wit:

Surveys and
plats of city and
town lots and
additions
required.

“Section 3465. Any person, company or corporation who may lay out any city or town or any addition to any city or town, or any tract of land within the limits of any city or town, or townsite, or tract of land outside of the boundaries of any city or town, or transfer any lots, blocks or tracts therein, must cause to be made an accurate survey and plat thereof and cause the same to be recorded in the office of the county clerk and recorder of the county in which such land lies.

Record required.

Amending Sec-
tion 3466, Codes
of 1907.

Section 2. That Section 3466 of the Revised Codes of 1907 of Montana be and the same is hereby amended so as to read as follows, to-wit:

Plat must show
highway.

“Section 3466. The plat must show as follows:

1. All streets, alleys, avenues and highways and the width thereof;

Parks, grounds
and squares.

2. All parks, squares and all other grounds dedicated or reserved for public uses, with the boundaries and dimensions thereof;

Lots and block
boundaries, size
and numbers.

3. All lots and blocks with their boundaries, designating such lots and blocks by numbers and giving the dimensions of every lot and block;

Angles of inter-
section.

4. The angles of intersection of all boundary lines of the lots and blocks wherever the angle of intersection is not a right angle;

Location of
monuments.

5. The location of all stone or iron monuments set to establish street lines;

Exterior boun-
daries of plat.

6. The exterior boundaries of the piece of land so platted, giving such boundaries by true courses and distances;

Location of sec-
tion corners.

7. The location of all section corners or legal subdivision corners of sections within the limits of said plat;

Adjoining cor-
ners streets, etc.
of adjoining ad-
ditions.

8. The adjoining block corners of all surveyed and adjoining additions, and the streets, alleys, avenues and highways of such adjoining additions, for the purpose of showing how the new plat and survey conforms to such adjoining addition of surveyed and platted ground;

Plat must show
one-ninth of
land reserved for
public parks, etc.

9. For the purpose of promoting the public comfort, welfare and safety, such plat and survey must show that at least one ninth (1-9) of the platted area, exclusive of streets, alleys, avenues and highways, is forever dedi-

cated to the public for parks and playgrounds; the one-half of such area so dedicated to the public for parks and playgrounds may be distributed in small plots of not less than one block in area through the different parts of the area platted; and the one-half shall be concentrated into larger parks on the outer edge of the area so platted. The Board of County Commissioners of the County or the Council of the city or town are hereby authorized to suggest suitable places for such parks and playgrounds, and for good cause shown may make an order in the proceedings of such body (to be endorsed and certified on said plat) diminishing the amount of such area herein required to be dedicated as public parks and playgrounds to not less than one-twelfth (1-12) thereof, exclusive of streets, alleys, avenues and highways; provided that where such platted area consists of a tract of land containing less than twenty acres, such Board of County Commissioners of the county, or the Council of the city or town, may make an order in the proceedings of such body, to be endorsed and certified on said plat, that no park or playground be set aside or dedicated."

How distributed.

Powers of County Commissioners and City Council regarding location and size of parks and playgrounds.

When plat embraces less than 20 acres.

Section 3. That Section 3471 of the Revised Codes of Montana, 1907, be, and the same is hereby amended so as to read as follows, to-wit:

Section 3471 amended.

"Section 3471. The owner of the land so surveyed and platted must have prepared and file with said plat an abstract of the title of the land, such abstract of title must be prepared and certified to by an abstracter who has been duly qualified to engage in the business of compiling abstracts of titles to real estate in the State of Montana; and such abstract of title must be submitted to the county attorney of the county when said platted land is outside of any city or town or to the city or town attorney if said platted land is within the boundaries of any city or town to examine and endorse on said abstract of title his examination of the same, and that the person making the certificate of dedication is the owner in fee simple of said land so platted.

Abstracts of title required to be filed with plat.

Abstract must be submitted to whom for recommendation.

Indorsement by examining public attorney.

Persons holding any mortgage or other claim or lien against said land must sign, acknowledge and record a release in full of any and all claims against the same, which must be shown in the abstract of title as filed; and if the county attorney or city attorney refuse to certify to said title as herein provided it shall be the duty of the person claiming to own said land in fee simple to

Release of mortgages.

When action to quiet title shall be instituted.

Certified copy of judgment must be included in abstract when.

begin suit to quiet title and prosecute the same to final judgment. After final judgment is had he shall include a certified copy of such judgment in said abstract of title, preceding the certificate of said abstracter, and it shall be followed by the certificate of said county or city attorney as the case may be, and such abstract of title shall together with the plat be filed with the proper officer."

Section 3472 of Codes, 1907, amended.

Section 4. That Section 3472 of the Revised Codes of Montana, 1907, be, and the same is hereby amended so as to read as follows, to-wit:

Plats must be prepared in duplicate and submitted to city council when.

"Section 3472. All such plats must be prepared in duplicate and when the land platted is within the boundaries of an incorporated city or town such plats must be submitted to the city or town council for examination and approval or rejection, and when found to conform to law to be approved in duplicate by the council and the city or town engineer and a certificate of approval shall be endorsed thereon signed by the mayor and the clerk; and a certificate of the city or town engineer shall be endorsed thereon showing that the plat conforms to the adjoining additions or plats of the city or town already platted as near as the circumstances will admit; and one of such plats so approved and certified shall be filed with the city or town clerk and one shall be filed with the county clerk and recorder of the county, which shall be the official plat and survey.

Approval and certificate.

Certificate of city engineer required showing what.

Plat and duplicate to be filed where.

Duplicate plats of lands outside of city or town.

When the land platted is outside of the boundaries of a city or town such plat must be prepared in duplicate and submitted to the board of county commissioners of the county for their examination and approval or rejection and when found to conform to law to be approved in duplicate by such board of county commissioners and by the county surveyor and a certificate of approval shall be signed by the chairman of such board and by the county clerk and by the county surveyor, and both plats shall be filed and recorded with the county clerk and recorder. When such townsite is duly included within the boundaries of an incorporated city or town upon application of such city or town council to such board of county commissioners showing such incorporation, such board shall by an order direct that one of such plats so approved, certified and filed shall be delivered to the mayor and city clerk, which shall be filed and become the official plat and survey of such city or town."

When and by whom to be approved and certified.

Filing of plats.

If ground subsequently included in city or town.

Section 5. That Section 3478 be, and the same is hereby amended so as to read as follows, to-wit:

Amending section 3478 of Codes of 1907.

"Section 3478. Any person who desires to subdivide and sell or transfer any tract of land in small tracts, such as vineyard tracts, acreage tracts, suburban tracts or community tracts or small areas less than the United States legal subdivision of ten acres, must cause the same to be surveyed, platted, certified and recorded according to the provisions of this chapter before any part or portion of the same is sold or transferred; and such sales or transfers must be made by reference to the plat on file and the numbers of the lots and blocks. It is unlawful for any further sales to be made without a full compliance with the provisions of this chapter, and the surveying and platting of the whole tract, showing the lots sold before the filing of the plat."

Surveys and plats of small areas outside of cities and towns required.

To be certified and recorded how.

Further sales of such lands unlawful until when.

Section 6. Any person who shall violate any of the provisions of this Act is subject to a fine of not less than ten (\$10.00) dollars nor more than three hundred (\$300.00) dollars; to be prosecuted in the name of the State of Montana.

Penalty for violating provisions of Act.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and take effect from and after its passage and approval.

Approved February 27th, 1917.

CHAPTER 120.

"An Act to Amend Section 4076 of the Revised Codes of the State of Montana of 1907 Relating to the Incorporation of Mutual Hail Insurance of Growing Crops Against Loss or Damage by Hail and Farm Improvements by Fire."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4076 of the Revised Codes of Montana of 1907 be, and the same is hereby amended to read as follows:

Amending section.

"Section 4076. Who May Form Company—That any number of persons, not less than one hundred, residing in the State of Montana, who collectively own not less than five thousand acres of grain, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance of growing crops against

Persons and number thereof who may form mutual hail insurance company.

Number who may
form mutual
farm fire insur-
ance company.

loss, or damage, by hail; any number of persons, not less than one hundred, residing in the State of Montana may form an incorporated company for the purpose of mutual insurance of farm improvements and property by fire, or other casualty; and horses, cattle and other forms of stock, against loss, or damage, by fire or lightning."

Section 2. Any Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force on and after its approval.

Approved Feb. 28, 1917.

CHAPTER 121.

"An Act to Create a Child Welfare Division to be Under the Direct Supervision of the State Board of Health, Prescribing Its Duties and Powers and Providing for Its Maintenance."

Be it enacted by the Legislative Assembly of the State of Montana:

Child Welfare
Division created.

Section 1. That a Child Welfare Division be, and the same is hereby created, which shall be under the direct supervision of the State Board of Health.

Duties of Divi-
sion.

Section 2. The duties of this Division shall be to make and enforce regulations; to carry on a campaign of public health education and to take all possible steps for the better protection of the health of the children of the State.

School nurses
may be employed.

Section 3. School Boards may employ in their discretion regularly qualified nurses, duly registered in the State of Montana, to act as school nurses. In sparsely settled communities, two or more School Boards may unite and employ a school nurse, the salary of such nurse being paid pro rata according to the assessed valuation in the school districts.

School boards
may unite when.

County Commis-
sioners may em-
ploy county
nurses.

Section 4. County Commissioners are hereby authorized, at such time as they deem necessary, to employ regularly qualified nurses, to be known as County nurses, for duties under the Child Welfare Division.

Rules and regu-
lations to be
formulated by
whom.

Section 5. The Superintendent of Public Instruction, and the Secretary of the State Board of Health, as soon as possible after the passage of this Act, shall meet and formulate rules and regulations governing the work of school, county and public health nurses, which rules and regulations, when regularly passed by the State Board

of Health, shall invest the said State Board of Health with full power of supervision and regulation of said school and county and public health nurses.

May vest State Board of Health with powers of supervision.

Section 6. The State Board of Health, through its Child Welfare Division, shall prepare and distribute to the school, county and public health nurses all necessary report blanks.

Duty of State Board of Health.

Section 7. The Secretary of the State Board of Health, subject to the approval of said Board, shall employ such officers as may be necessary to carry out the provisions of this Act.

Officers who may be employed.

Section 8. Nothing in this Act shall be construed or operate so as to interfere in any way with the exercise of the child's or parent's religious belief, as to the examination for, or in the treatment of, diseases; provided, that quarantine regulations relating to contagious or infectious diseases are not infringed upon.

Religious belief of parent not interfered with.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Quarantine regulations not infringed upon.

Approved March 3, 1917.

CHAPTER 122.

“An Act to Amend Section 11 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly Relative to the Establishment of a Board of Examiners for Nurses and Providing for the Issuance of a License or Certificate of Registration to Persons Engaged in the Profession of Nursing the Sick.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11 of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly be amended so as to read as follows:

Amending section.

“Section 11. Any person who makes application to the Board for examination for registration, having the required qualifications, as hereinafter provided for, and who shall not pass said examination, or any person registered in any other State, who shall be refused registration by the Board without examination, as provided for in this Act, may appeal to the Montana State Association of Graduated Nurses at the first annual meeting thereafter, and shall abide by the majority vote of said Association after a full hearing thereon.

Applicants for nurses license failing to pass, etc.

Appeals may be taken when and to whom.

Provided that any person aggrieved by any decision

Appeals to the District Court within what time.

How appeal taken.

Jury to consist of whom.

of the Board of Graduated Nurses, finally determining his or her right to registration, may appeal from such decision to the District Court of the County of the residence of said applicant, within thirty days after receiving notice from the Board of its decision, which appeal shall be taken by filing notice of appeal with the clerk of the proper District Court and by serving copy thereof upon the secretary of said Board. In case of a jury trial, said jury shall consist of three nurses and three doctors."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3, 1917.

CHAPTER 123.

"An Act to Equalize the Opportunity for Higher Education to the Youth of the State by Authorizing the Payment of Traveling Fare of Students Attending the Institutions of the University of Montana, and Making an Appropriation Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Amount of fare of students attending any of the University institutions which may be refunded.

Section 1. That the State Board of Education, subject to such rules and regulations as said Board may hereafter adopt thereon, is authorized to provide for the refund of the amount of necessary fare, less five (\$5.00) dollars, paid by any student in regular attendance at any of the institutions of the University of Montana for traveling once each year from his place of residence in the State of Montana, by the most direct route of travel to the said institution and return.

Appropriation.

Section 2. That the sum of ten thousand (\$10,000.00) dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the Treasury of the State of Montana not otherwise appropriated to carry out the provisions of this Act for the period March 1, 1917, to February 28, 1919.

Section 3. That this Act shall be in full force and effect on and after March 1, 1917.

Approved March 7th, 1917.

CHAPTER 124.

“An Act Providing for the Safe Investment of the State Permanent Common School Funds, and All Other Permanent State Educational, Charitable and Penal Institution Funds in the Securities Herein Designated; for the Prompt Collection of Interest Thereon; Providing a Method of Procedure in Making said Investments to Guard and Protect such Funds; and Prescribing the Duties and Obligations of the Various Officers of the State in Making said Investments, and Repealing All Laws and Parts of Laws in Conflict Herewith.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All moneys belonging to the permanent common school and all other permanent state educational, charitable and penal institution funds must be invested by the State Board of Land Commissioners in bonds of school districts within the State of Montana; in bonds of the State of Montana or of the United States; in interest bearing warrants upon the general funds of the state; in any State Capitol building bonds of the State of Montana, now issued, or which may be hereafter issued; in bonds of irrigation districts within the State of Montana; in first mortgages on good, improved farm land in the State of Montana; in first mortgage farm loan savings bonds issued in accordance with the provisions of Chapter 28 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana; any bonds issued by Federal Farm Loan Banks; in bonds of the several counties and cities of the State of Montana, in the manner herein provided.

Section 2. On or before the 25th days of May and November in each year, the State Board of Land Commissioners shall cause to be made an estimate of the amount of permanent school and other permanent state educational, charitable and penal institution funds which shall be on hand uninvested by the first day of July and January next ensuing; and the State Board of Land Commissioners shall also, on the first day of each and every month cause to be prepared a statement, showing in detail the amount of such funds invested during the preceding month, the number of investments made, the kind and character of the securities in which such funds were invested, and the amount of such funds remaining on

Investment common school and other permanent state educational funds.

Securities in which they may be invested. Public.

Irrigation district bonds.

First mortgage bonds, etc.

Federal Farm Loan Bank bonds

Semi-annual estimate of funds on hand to be made when.

Land Board to prepare monthly statements showing, what.

Statements and estimates to be filed with whom.

Copies to be furnished to the press.

Applications for farm mortgage loans, form of and to be made to whom.

Filing of applications.

Limitation of amount of loan.

Secured by first mortgage.

State to be mortgagee.

Period during which mortgage may run.

Interest rate and payment periods.

When installments of principal may be paid.

Examination and appraisement to be made by whom.

hand uninvested, which estimates and statements shall be filed in the office of the Commissioner of the Department of Agriculture and Publicity of the State of Montana, and copies of such estimates and statements shall be, by such Commissioner of the Department of Agriculture and Publicity, furnished to the representatives of the press and to all other persons requesting the same.

Section 3. All applications for loans of permanent common school or other permanent state educational, charitable or penal institution funds to be secured by mortgage on farm lands, shall be made to the Register of State Lands as Secretary of the State Board of Land Commissioners, and shall be made on forms approved by the Attorney General, and it shall be the duty of the State Board of Land Commissioners to fill such applications for loans on farm lands as rapidly as such funds are available, and in the order in which they are received.

Section 4. The amount of each loan made on farm lands shall not exceed two-fifths (2-5ths) of the actual cash value of the lands, and shall be secured by a first mortgage thereon, and such lands shall be free and clear of all other prior incumbrances or liens of every nature and kind.

Section 5. All mortgages given to secure loans of such funds on farm lands shall be made in the name of the state as mortgagee, and all such mortgages shall run for a period of not less than three (3) years, nor more than ten (10) years, and the funds so invested shall bear interest at the rate of six per centum (6%) per annum, payable annually to the Register of State Lands of the State of Montana. Provided, however, that when any mortgage has been given for a period of ten (10) years, the mortgagor shall have the privilege and option after three annual interest payments have been made of paying, at any interest bearing date, in addition to the interest, ten per centum (10%) or any multiple thereof, of the principal secured by such mortgage.

Section 6. Whenever an application is made for a loan of such funds to be secured by mortgage on farm lands, the Board of Land Commissioners shall direct the State Land Agent or any Assistant State Land Agent, to examine and appraise said lands, and report the result of such examination and appraisement to the Board of Land Commissioners. All such examination and appraise-

ment reports shall be made on the forms approved by the State Board of Land Commissioners, and the Attorney General.

Reports thereof.

Section 7. Every applicant for a loan of any such funds to be secured by mortgage on farm lands shall, upon being directed so to do by the Board of Land Commissioners, furnish to the Board of Land Commissioners, at the applicant's expense, an abstract of title of the lands on which the mortgage to secure the loan is to be given, but the applicant shall not be required to pay any other of the expenses whatever in connection with the examination and appraisal of said lands, or the making of said loan, but all of the expenses incurred in the examination and appraisal of said lands and in connection with making said loan shall be paid by the State Treasurer on warrants issued by the Auditor on vouchers certified by the State Board of Examiners that the expenses were necessary and actually incurred in examining and appraising said land and in making said loan, and shall be paid out of the several income funds, and the State Board of Examiners, in approving the same, shall designate the particular income fund out of which said expense shall be paid. Provided, however, that any and all expenses necessary to perfect the title to said lands shall be borne and paid by the applicant for such loan.

Abstracts to be furnished by applicant, when.

All expenses, excepting abstract, to be paid by whom, when and how.

Out of what funds.

Expense of perfecting title to be borne by the applicant.

Section 8. No loan of any of such funds, to be secured by mortgage on farm lands, shall be made unless the abstract of title of such lands be first approved by the Attorney General and none of such funds shall be invested in any school district, state, United States, State Capitol Building, Irrigation District, Farm Loan Savings, County or City bonds, unless the Attorney General shall furnish to the State Board of Land Commissioners an opinion as to the legality of the bonds and the Board must be satisfied that such bonds are, in all respects, legal and safe investment.

Abstract of title to be approved by the Attorney General.

Attorney General to furnish opinion before other loans are made.

Section 9. Upon the execution and delivery to the State Board of Land Commissioners of a mortgage given to secure a loan of any of such funds, the State Board of Land Commissioners shall before paying over to the mortgagor the funds so loaned, cause said mortgage to be recorded in the office of the County Recorder of the county in which the lands described in said mortgage

Mortgage to be recorded before money paid over.

are situated and the abstract of title to be continued so as to show such mortgage.

Register of land office to cancel mortgage when.

Section 10. Upon full payment of any mortgage given to secure a loan of any of such funds it shall be the duty of the Register of State Lands to cancel said mortgage, and the notes or obligations secured thereby, and deliver them to the person paying the same, and he shall also deliver to the person paying the same, a full release and satisfaction of said mortgage, executed by said Register of State Lands in the name of the State of Montana, which said release and satisfaction shall be recorded in the office of the County Recorder of the County wherein said lands are situated.

And shall execute a full release and satisfaction of mortgage.

In case of default proceedings to foreclose mortgage.

Section 11. In case of default in any of the conditions of any mortgage taken as security for any loan made from any of such funds by reason of which the right to foreclose the same shall accrue to the State, the State Board of Land Commissioners shall notify the Attorney General of such default, and the Attorney General shall, in the name of, and in behalf of the State, foreclose such mortgage by action in the manner provided by law for the foreclosure of mortgages upon real estate. If no other person shall bid the full amount due upon said mortgage upon such foreclosure sale, with the costs and expenses of foreclosure and sale, together with interest thereon from the date of sale, the Register of State Lands shall bid in the property in the name of the State for the amount due, and all costs and expenses incurred, and if the same is not redeemed, as provided by law, the Sheriff's deed shall be made to the State of Montana, and said lands thereafter be subject to sale and disposal in the same manner as other state lands. Provided, however, that said lands shall not be sold for a less sum than the state was compelled to bid for the same on such foreclosure sale. And provided further, that all money received from the sale of said lands shall be deposited in the office of the State Treasurer and by him credited to the particular fund from which the loan on said lands was originally made.

When the Register of the land office shall bid in the property at foreclosure sale.

Sheriff's deed to be made to the state.

Such land shall be held for sale for not less than sum bid for same.

Proceeds of sale to be paid into what fund.

No fees for recording mortgage or release and satisfaction thereof.

No court or sheriff's fees in foreclosure proceedings.

Section 12. No fees of any kind shall be charged or collected by any County Recorder for recording mortgages given to secure loans of such funds, or for recording releases and satisfactions of such mortgages, and no fees of any kind shall be charged or collected by Clerks of District Courts, or by Sheriffs for the institution of

actions to foreclose such mortgages, or upon sales of lands under such foreclosure proceedings.

Section 13. Whenever there are applications on file with the Board of Land Commissioners for loans of such funds, to be secured by mortgages on farm lands, in excess of the amount of funds on hand for investment, it shall be the duty of said board, and said board is hereby authorized to sell and assign any and all mortgages on farm lands, and the notes and obligations which said mortgages are given to secure. Provided, however, that the same shall be sold at public auction, after public notice given of such sale in the manner in which the Board of Land Commissioners may prescribe. And provided further, that none of such mortgages, nor the notes or obligations secured thereby shall be sold for a less amount than the unpaid principal thereof and the unpaid interest accruing thereon up to the date of sale. And provided further, that the State of Montana shall never be liable for the payment of any portion of the principal of such mortgages, notes, obligations, so sold, or the interest thereon, but the purchasers thereof shall look to the property on which such mortgages are given and to the makers thereof for the payment of such principal and interest. And provided further, that whenever any mortgages on farm lands, together with the notes or obligations secured thereby, are sold and assigned by the State Board of Land Commissioners under the authority granted by this Section, the purchaser or purchasers thereof may, in writing, appoint the Register of State Lands as an agent for such purchaser or purchasers, to whom the payment of the principal thereof and the interest becoming due thereon may be paid, and it shall then be the duty of such Register of State Lands to receive payment of such principal and interest and pay the same over to the holders or owners of such mortgages, notes and obligations.

Section 14. Assignments of such mortgages and notes, sold by the State Board of Land Commissioners under the authority granted by this Act, shall be executed by the Register of State Lands in the name of the State of Montana, and such assignments shall be on forms therefor approved by the Attorney General.

Section 15. All moneys received from the sale of such mortgages and notes, shall be deposited in the State Treasury and credited to the particular fund or funds from which such investments and loans were originally

When State Land Board may sell mortgage farm loans.

Public sale.

Not to be sold for less than par value.

State not to be liable for any part of mortgage debt sale.

When purchaser of mortgage securities may appoint the State Land Register as his agent.

Assignment of mortgage sale to be executed by whom.

Proceeds of sale to be deposited to what fund.

made, and shall thereafter be again invested in the manner provided in this Act.

Chief examiner
may be appointed
when.

Section 16. On May 1st, 1918, the State Board of Land Commissioners may appoint some proper and competent person as Chief Examiner, to hold office during the pleasure of the Board, whose duty it shall be to examine once in each year each and every tract of land upon which a mortgage has been given to secure the loan of such funds, and report to the Board the condition of such lands, and the manner in which the same are being farmed and cared for. The compensation of such chief examiner shall be \$2500 per annum. In addition actual traveling expenses shall be allowed and shall be paid in the same manner as provided in Section 7 of this Act.

Term of office
and duties.

Compensation
and expenses.

Board of Land
Commissioners
shall adopt rules
and regulations.

Section 17. It shall be the duty of the State Board of Land Commissioners to adopt and promulgate all such rules and regulations, not inconsistent with the provisions of this Act, as may be necessary to fully carry out the provisions of this Act.

Forms to be pre-
pared by whom.

Section 18. It shall be the duty of the State Board of Land Commissioners and the Attorney General to prepare all forms necessary and required under the provisions of this Act.

Section 19. All laws and parts of laws in conflict herewith are hereby repealed.

Section 20. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1917.

CHAPTER 125.

“An Act to Repeal Section 8836 of the Revised Codes of Montana of 1907 and Designating the Duties of Owners of Stallions.”

Be it enacted by the Legislative Assembly of the State of Montana:

Ridgeling, un-
altered mules
and jackasses
forbidden to run
at large.

Section 1. That hereafter it shall be unlawful for any owner or owners of a ridgeling, or unaltered male mule or jackass over the age of eighteen months to permit the same to run at large.

When studs not
permitted to run
at large.

Section 2. That hereafter it shall be unlawful for any owner or owners of a stud horse over the age of eighteen months to permit the same to run at large unless the owner or owners of such stud horse has first filed with

the County Clerk and Recorder of the county where such stud horse is owned, a description in writing of said stud horse. The description so filed shall give the age, color and brand or brands and owner of said stud horse.

Section 3. Any person may take up any animal described in Section 1 of this Act and if the same is not claimed within five days may castrate such animal at the expense of the owner or owners.

Animal may be taken up and castrated, when.

Section 4. Any person who takes up any animal described in Section 2 of this Act shall make inquiry of the Clerk and Recorder of the county wherein such animal is taken up, and the County Clerk and Recorder of adjoining counties and the General Recorder of Marks and Brands at Helena and said officers shall inform the person who makes such inquiry whether such animal is recorded or not, and shall notify the owner if known who may within five days after the receipt of said notice take possession of said animal upon payment of costs not to exceed \$1.00 per day for time such animal is held. If ownership cannot be determined in the manner aforesaid then the person who takes up any animal described in Section 2 of this Act may castrate said animal.

Duty of person taking up a stud running at large.

Must notify owner within what time.

Payment of costs.

May castrate stallion when.

Section 5. Any person or persons violating any of the provisions of this Act shall be punishable by a fine not exceeding fifty dollars and shall be liable to the owner of such animal for the damages sustained by such owner by reason thereof.

Penalty for violating Act.

Section 6. Section 8836 of the Revised Codes of Montana, 1907, is hereby repealed.

Repealing clause.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1917.

CHAPTER 126.

“An Act Giving to the State Board of Health Power to Require the Analysis of Waters Furnished and Sold to the Public, and to Provide Rules and Regulations for said Analysis, and for the Collection of Samples of Water, and to Provide Funds to Cover the Cost Involved and to Prescribe Penalties for the Violation of said Rules and Regulations.”

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Health to publish monthly bulletins, rules and regulations for collecting samples of water for analysis.

To fix fees for service.

Fees to be placed to credit of what fund.

Portion of fund may be used how.

Appropriation required to first be made.

Violation of regulations prescribed by the Board a misdemeanor.

Penalty.

Section 1. That the State Board of Health shall make and publish in the monthly bulletin of that Board, rules and regulations for the collection of samples and analysis of water either natural or treated, furnished by municipalities, corporations, companies, or individuals to the public and shall fix the fees for such services rendered under said rules and regulations to cover the cost of the service.

Section 2. That the fees collected by the State Board of Health under this Act shall be turned over to the State Treasurer, who shall place them in the State Board of Health Maintenance Fund and as much as is necessary of this fund shall be used for the State Board of Health water and sewerage laboratory, and the State Auditor shall draw his warrant for claims against this fund after such claims have been approved by the State Board of Examiners, provided, however, that this fund shall not be expended except after due appropriation.

Section 3. That every corporation, railway, common carrier company, or individual that shall fail to comply with the regulations prescribed by the State Board of Health under this Act, shall be guilty of a misdemeanor and, upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1917.

CHAPTER 127.

“An Act to Amend Paragraph 601, Chapter 6, of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, by Adding the Study of Elementary Agriculture to the Course of Study Prescribed for Elementary Schools.”

Be it enacted by the Legislative Assembly of the State of Montana:

Paragraph amended.

Section 1. That paragraph 601 of Chapter 6 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Public schools to be taught in English.

“Paragraph 601. COURSE OF STUDY IN ELEMENTARY SCHOOLS.—All public schools shall be taught in

the English language; and instruction shall be given in the following branches, viz: reading, penmanship, written arithmetic, mental arithmetic, orthography, geography, English grammar, physiology and hygiene, with special reference to the effect of alcoholic stimulants and narcotics on the human system, civics, (State and Federal), United States History, and the History of Montana, and elementary agriculture."

Subjects which
must be taught.

Section 2. This Act shall be in effect ninety days after its passage and approval.

Approved Feb. 27, 1917.

CHAPTER 128.

"An Act to Amend Sections 1611, 1613 and 1618 of the Revised Statutes of the State of Montana, Relating to the Regulation of the Practice of Optometry, and to Prevent Ignorant, Unprofessional or Incompetent Persons from Practicing Same."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1611 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read as follows:

Section 1611. Re-
vised Codes,
amended.

Section 1611. Every person, before beginning to practice Optometry in this State, after the passage of this Act, shall be at least 21 years of age and shall pass an examination before said Board of Examiners. Such examination shall be confined to such knowledge as is essential to the practice of Optometry. Any person having signified to said Board his desire to be examined by them, shall satisfactorily show to said Board that he has completed the equivalent of at least two years of high school work, and has graduated from a registered school of Optometry which has an annual course of study consisting of at least a thousand hours of actual instruction, and that said applicant for examination shall have actually completed at least seven hundred fifty (750) hours of such course, and he shall appear before them at such time and place as they designate, and before beginning such examination, shall pay the secretary of said Board, for the use of said Board, the sum of twenty (\$20.00) dollars and, if he shall successfully pass such examination, shall pay to said secretary for the use of said Board, a further sum of five (\$5.00) dollars on the issuance to

Practice of Op-
tometry; exam-
ination and age
qualifications re-
quired.

Applicants for
examination
must show what
qualifications.

Must appear
when and
where.

Examination
fee.

Certificate fee.

Registration or successful applicants.

Certificate to be issued.

Qualified practitioners from other states admitted without examination, when.

Section 1613 of codes amended.

Who exempt from provisions of Section 1612.

Renewal fees to be paid by whom and when.

Failure to pay annual renewal fee.

When necessary to pass a new examination.

Section 1618 of Codes amended.

him of a certificate. All persons successfully passing such examination shall be registered in the Board Register, which shall be kept by said secretary, as licensed to Optometry, and shall also receive a certificate of such registration, to be signed by the president and secretary of said Board, which shall be filed as hereinbefore provided. In case an applicant for a certificate of registration has been admitted to practice Optometry in any state, and has secured an average of seventy-five (75) per cent in his examination in such other state, he may, in the discretion of the Board, be granted a certificate to practice his profession in Montana, without examination, upon his payment of the fee and the deposit of his certificate, and provided the state from which said applicant comes, offers equal privileges to applicants for certificates of registration from other states."

Section 2. That Section 1613 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

"Section 1613. All persons entitled to a certificate of registration under the full provisions of Section 1612 (6) shall be exempt from the provisions of Section 1611 (5) of this Act, but every registered optometrist who desires to continue in the pursuit of Optometry in this state shall annually, after the expiration of the first year of registration, and on or before the second day of July of each year, and after having been notified by the secretary of the State Board of Optometry, pay to the said secretary a renewal fee to be fixed by the Board, which shall not exceed two (\$2.00) dollars, in return for which a renewal of registration shall be issued. If any person shall fail or neglect to procure his annual registration of renewal, notice of such failure having been mailed to his postoffice address by the secretary of the State Board of Optometry, as obtained from the books of the secretary, he shall, after the expiration of thirty days following the issue of said notice, be deprived of all privileges conferred by this Act; and after six months he shall be deprived of his registration, and it shall be necessary for such person to make application and pass an examination as provided in Section 1611 of this Act, as amended herein."

Section 3. That Section 1618 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read as follows:

"Section 1618. Said Board shall have the power to revoke any certificate of registration, granted by it under this Act, for conviction of crime, habitual drunkenness for six months immediately before a charge is to be made, gross incompetence, or contagious or infectious disease, or who publicly profess to cure disease, or for unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as "cappers" or "steerers" to obtain business; the obtaining of any fee by fraud or misrepresentation; employing, directly or indirectly, any suspended or unlicensed optician or optometrist to perform any work covered by this Act; or treatment or advice in which untruthful, improbable or impossible statements are made; the use in advertising of the expression "eye specialist," in connection with the name of such optometrist; or habitual intemperance, or gross immorality, or shall permit another to use his certificate; provided, that this Act shall not prohibit legitimate or truthful advertising by any registered optometrist, and provided, that before any certificate shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and, at a day specified in said notice, at least five days after the service thereof, be given a public hearing, and have opportunity to produce testimony in his behalf, and to confront the witnesses against him. Any person whose certificate has been revoked may appeal to the courts or may after the expiration of ninety days, apply to have the same re-granted, and the same shall be re-granted him upon a satisfactory showing that the disqualification has ceased.

Power of Board of Optometry to revoke certificate of registration.

Unprofessional conduct defined.

What advertisement permitted.

Notice of charges before certificate is revoked.

Appeals to the courts.

Application for re-granting or registration.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect and be in force and effect thirty days from and after its passage and approval.

Approved Feb. 27, 1917.

CHAPTER 129.

"An Act Relating to and Regulating the Manufacturing, Keeping, Storage, Transportation and Sale of Explosives, and Providing Penalties for Any Violation of the Provisions Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Term "explosive"
defined for pur-
pose of Act.

DEFINITIONS. Section 1. The term "Explosive" or "Explosives" whenever used in this Act shall be held to mean and include any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

"Magazines" de-
fined.

The word "magazine" as used herein means any building or other structure, other than a factory building, used for the storage of explosives.

Term "Buildings"
or "Buildings"
defined.

The term "building" or "buildings" as used herein shall be held to mean and include only a building or buildings occupied in whole or in part as a habitation for human beings, or any church, school house, railroad station, store or other building where people are accustomed to assemble.

Term "Factory
Building" de-
fined.

The term "factory building" as used herein shall be held to mean any building or other structure containing explosives in which the manufacture of explosives or any part of the manufacture is carried on.

"Railroad" de-
fined.

The term "railroad" as used herein shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

"Highway" de-
fined.

The term "highway" as used herein shall be held to mean and include any public street, public alley or public road.

Term "Efficient
artificial barri-
cade" defined.

The term "efficient artificial barricade" as used herein shall be held to mean an artificial mound or properly riveted wall of earth of a minimum thickness of not less than three feet.

"Person" defined.

The term "person" as used herein shall be held to mean and include firms and corporations, as well as natural persons.

Words used in the singular number shall include the plural, and the plural the singular.

Restrictions upon
the manufacture,
keeping and stor-
age of explosives.

PROHIBITIONS AND EXCEPTIONS: Section 2. No person shall manufacture, have, keep or store explosives in this state, except in compliance with this act, except that explosives may be manufactured without compliance with this Act in the laboratories of schools, colleges and

similar institutions, for the purpose of investigation and instruction.

It shall be unlawful to sell, give away or otherwise dispose of, or deliver to any person under eighteen years of age any explosives, whether said person is acting for himself or for any other person.

QUANTITY AND DISTANCE TABLE: Section 3. All factory buildings and magazines in which explosives are had, kept or stored, must be located at distances from buildings, railroads and highways in conformity with the following **QUANTITY AND DISTANCE TABLE**, and this table shall be the basis on which applications for Certificate of Compliance, as provided in Section 9 hereof, shall be made and the Certificate of Compliance issued; provided that the Quantity and Distance Table may be disregarded and a Certificate of Compliance may be issued for two second-class magazines (See Section 7) in any building not otherwise prohibited by law, if the contents and location of the magazine are as follows: (a) One second-class magazine containing not more than fifty (50) pounds of explosives may be allowed if the said second-class magazine is placed on wheels and located not more than ten feet from, on the same floor with and directly opposite to the entrance on the floor nearest the street level; (b) One second-class magazine containing not more than five thousand (5,000) blasting caps may be allowed if the said second-class magazine is placed on wheels and located on the floor nearest the street level.

The Quantity and Distance Table governing the manufacture, keeping and storage of explosives is as follows:

QUANTITY AND DISTANCE TABLE.

Column One				Column Two	Column Three	Column Four
Quantity that may be had, kept or stored				Distance from Nearest Building	Distance from Nearest Railway	Distance from Nearest Highway
Blasting and Electric Blasting Caps		Other Explosives				
Number Over	Number not Over	Pounds over	Pounds not over	Feet	Feet	Feet
1,000	5,000			30	20	10
5,000	10,000			60	40	20
10,000	20,000			120	70	35
20,000	25,000		50	145	90	45

Unlawful to permit person under 18 years of age with explosives.

When explosives may be manufactured or stored.

Table to be basis of application for certificate of compliance.

Quantity and distance table may be disregarded when.

Fifty pounds permitted in second class magazines when.

Five thousand blasting caps in second class magazine permitted when.

Quantity and distance table.

25,000	50,000	50	100	240	140	70
50,000	100,000	100	200	360	220	110
100,000	150,000	200	300	520	310	150
150,000	200,000	300	400	640	380	190
200,000	250,000	400	500	720	430	220
250,000	300,000	500	600	800	480	240
300,000	350,000	600	700	860	520	260
350,000	400,000	700	800	920	550	280
400,000	450,000	800	900	980	590	300
450,000	500,000	900	1,000	1,020	610	310
500,000	750,000	1,000	1,500	1,060	640	320
750,000	1,000,000	1,500	2,000	1,200	720	360
1,000,000	1,500,000	2,000	3,000	1,300	780	390
1,500,000	2,000,000	3,000	4,000	1,420	850	420
2,000,000	2,500,000	4,000	5,000	1,500	900	450
2,500,000	3,000,000	5,000	6,000	1,560	940	470
3,000,000	3,500,000	6,000	7,000	1,610	970	490
3,500,000	4,000,000	7,000	8,000	1,660	1,000	500
4,000,000	4,500,000	8,000	9,000	1,700	1,020	510
4,500,000	5,000,000	9,000	10,000	1,740	1,040	520
5,000,000	7,500,000	10,000	15,000	1,780	1,070	530
7,500,000	10,000,000	15,000	20,000	1,950	1,170	580
10,000,000	12,500,000	20,000	25,000	2,110	1,270	630
12,500,000	15,000,000	25,000	30,000	2,260	1,360	680
15,000,000	17,500,000	30,000	35,000	2,410	1,450	720
17,500,000	20,000,000	35,000	40,000	2,550	1,530	760
		40,000	45,000	2,680	1,610	800
		45,000	50,000	2,800	1,680	840
		50,000	55,000	2,920	1,750	880
		55,000	60,000	3,030	1,820	910
		60,000	65,000	3,130	1,880	940
		65,000	70,000	3,220	1,940	970
		70,000	75,000	3,310	1,990	1,000
		75,000	80,000	3,390	2,040	1,020
		80,000	85,000	3,460	2,080	1,040
		85,000	90,000	3,520	2,120	1,060
		90,000	95,000	3,580	2,150	1,080
		95,000	100,000	3,630	2,180	1,090
		100,000	125,000	3,670	2,200	1,100
		125,000	150,000	3,800	2,280	1,140
		150,000	175,000	3,930	2,360	1,180
		175,000	200,000	4,060	2,440	1,220
		200,000	225,000	4,190	2,520	1,260
		225,000	250,000	4,310	2,590	1,300
		250,000	275,000	4,430	2,660	1,340
		275,000	300,000	4,550	2,730	1,380

MAXIMUM ALLOWED: Section 4. No quantity in excess of three hundred thousand (300,000) pounds, or in case of blasting caps no number in excess of twenty million (20,000,000) caps, shall be had, kept or stored in any factory building or magazine in this state.

Maximum of explosives and caps to be kept in factory building or magazine.

REDUCTION OF DISTANCES: Section 5. Whenever the building, railroad or highway to be protected is effectually screened from the factory, building or magazine, where explosives are had, kept or stored, either by natural features of the ground or by an efficient artificial barricade of such height that any straight line drawn from the top of any side wall of the factory building or magazine to any part of the building to be protected, will pass through such intervening natural or efficient artificial barricade, and any straight line drawn from the top of any side wall of the factory building or magazine to any point twelve feet above the center of the railroad or highway to be protected will pass through such intervening natural or efficient artificial barricade, the applicable distances given in Columns 2, 3 and 4 of the Quantity and Distance Table may be reduced one-half.

Distances may be reduced in columns 2, 3 and 4, when.

CONTAINERS: Section 6. Except only at a factory building, and except while being used, no person shall have, keep or store explosives at any place within this State unless such explosives are completely enclosed or encased in tight metallic, wooden or fibre containers, and, except while being transported or used or in the custody of a common carrier awaiting shipment or pending delivery to consignee during the time permitted by Federal law, explosives shall be kept and stored in a magazine constructed and operated as provided in Section 7 of this Act, and no person having explosives in his possession or control shall, under any circumstances, permit or allow any grains or particles to be or remain on the outside or about the containers in which such explosives are held. All containers in which explosives are held shall be plainly marked with the name of the explosive contained therein.

The keeping of explosives within state forbidden, where and when.

No grains or particles of explosives shall be permitted to remain on outside of containers. Containers to be marked how.

MAGAZINES: Section 7. Magazines in which explosives may lawfully be kept or stored shall be of two classes, as follows:

Classes of magazines.

(a) Magazines of the first class shall consist of those containing explosives exceeding fifty (50) pounds, and shall be constructed of brick, concrete, iron or wood covered with iron, and shall have no openings except for

Magazines of the first class.

Doors to be kept closed except when.

Ventilations required.

Sign required on first class magazines.

Regulations to be observed.

Must be detached from other structures.

Located when more than 5000 pounds are kept.

Where over 25,000 pounds are kept.

Where efficient barricades protect.

Magazines of the second class; requirements.

To be kept locked, except when.

Signs required on magazines.

Limit to number in one building.

Blasting caps or detonators not to be kept in magazines with explosives.

ventilation and entrance. The doors of such magazine must at all times be kept closed and locked, except when necessarily open for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. Every such magazine shall have sufficient openings for ventilation thereof, which must be screened in such manner as to prevent the entrance of sparks of fire through the same. Upon each end of such magazine, above the side walls thereof, or upon its barricade, there shall at all times be conspicuously posted a sign with the words "MAGAZINE—EXPLOSIVES—DANGEROUS" legibly printed thereon in letters not less than six inches high. No matches or fire of any kind shall at any time be permitted at any such magazine. No package of explosives shall at any time be opened within fifty (50) feet of any magazine, nor shall any explosives be kept therein except in the original containers. Magazines in which more than fifty (50) pounds of explosives are kept and stored must be detached from other structures, and magazines where more than five thousand (5,000) pounds of explosives are kept and stored must be located at least two hundred (200) feet from any other magazine, and magazines where quantities of explosives over twenty-five thousand (25,000) pounds are kept and stored must have an increase over two hundred (200) feet of two and two-thirds ($2\frac{2}{3}$) feet for each one thousand (1,000) pounds of explosives in excess of twenty-five thousand (25,000) pounds stored therein, provided, that where magazines are protected one from the other by natural or efficient artificial barricade, the distance above specified may be reduced one-half.

(b) Magazines of the second class shall be made of fire-proof material or wood covered with sheet iron, and no more than fifty (50) pounds of explosives shall at any time be kept or stored therein, and, except when necessarily opened for use by authorized persons, shall at all times be kept securely locked. Upon each magazine there shall at all times be kept conspicuously posted a sign with the words "MAGAZINE—EXPLOSIVES — DANGEROUS" legibly printed thereon, and not more than two such magazines shall be had or kept in any building.

BLASTING CAPS. Section 8. No blasting caps, or other detonating or fulminating caps, or detonators, shall be kept or stored in any magazine in which other explosives are kept or stored.

CERTIFICATE OF COMPLIANCE. Section 9. All persons engaged in keeping or storing explosives on the date when this Act takes effect shall within sixty (60) days thereafter, and all persons engaging in keeping or storing explosives after this Act takes effect shall before engaging in the keeping or storing of explosives make a report in writing, subscribed to by such persons, or his agent, to the State Fire Marshal stating:

Persons keeping or storing explosives shall make a report to State Fire Marshal, when.

(1) The location of the magazine, if then existing, or in case of a new magazine, the proposed location of such magazine.

Contents of report required.

(2) The kind of explosives that are kept or stored or intended to be kept or stored, and the maximum quantity that is intended to be kept or stored thereat.

(3) The distance that such magazine is located or intended to be located from the nearest buildings, railroads and highways.

The State Fire Marshal shall, as soon as may be after receiving such report cause an inspection to be made of the magazine, if then constructed, and in the case of a new magazine as soon as may be after same is found to be constructed in accordance with the specifications provided in Section 7 of this Act, the State Fire Marshal shall determine the amount of explosives that may be kept and stored in such magazine by reference to the Quantity and Distance Table set forth in Section 3 of this Act, and shall issue a certificate to the person applying therefor, showing compliance with the provisions of this Act, which certificate shall set forth the maximum quantity of explosives that may be had, kept or stored in said magazine. Such certificate of compliance shall be valid until canceled for one or more of the causes hereinafter provided. Whenever by reason of change in the physical condition surrounding said magazine at the time of the issuance of the certificate of compliance therefor, such as

State Fire Marshal shall cause inspection to be made.

Shall determine amount of explosives which may be kept, how.

To issue certificate showing what.

Certificate valid until when.

May be cancelled when.

(a) The erection of buildings nearer said magazine,
(b) The construction of railroads nearer said magazine, or

(c) The opening for public travel of highways nearer said magazine, then the amounts of explosives which may be lawfully had, kept or stored in said factory or magazine must be reduced to conform to such changed conditions in accordance with the Quantity and Distance Table notwithstanding the certificate of compliance, and the State Fire Marshal shall modify or cancel such certificate

Reduction of quantity which may be stored.

Keeping quantity
in excess amount
allowed.
Other causes.

in accordance with the changed conditions. Whenever any person to whom a certificate of compliance has been issued, keeps or stores in the magazine covered by such certificate of compliance, any quantity of explosives in excess of the maximum amount set forth in said certificate of compliance, or whenever any person fails for thirty (30) days to pay the annual license fee hereinafter provided after the same becomes due, the State Fire Marshal is authorized to cancel such certificate of compliance. Whenever a certificate of compliance is cancelled by the State Fire Marshal for any cause hereinbefore specified, the State Fire Marshal shall notify the person to whom such certificate of compliance is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this Act.

Annual license
required.

LICENSE. Section 10. Every person engaging in the keeping or storing of explosives shall pay an annual license fee for each magazine maintained, to be graduated by the State Fire Marshal according to the quantity kept or stored therein, of not less than one dollar (\$1.00) nor more than twenty-five (\$25.00.) Said license fee shall be payable in advance to the State Fire Marshal and by him paid to the State Treasurer.

Amount of
license fee and
when to be paid.

Fire Marshall to
make inspection
when.

INSPECTION. Section 11. The State Fire Marshal shall make, or cause to be made, at least one inspection during every year, of each licensed factory or magazine.

Who may enter
any factory,
building, etc.
where explosives
are kept.

WHO MAY ENTER. Section 12. No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any factory, building, magazine or car containing explosives in this state.

Red "Danger"
flag to be dis-
played by which
carrying explo-
sives.

TRANSPORTATION. Section 13. Every vehicle while carrying explosives shall display upon an erect pole at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the word "DANGER" printed, stamped or sewed thereon, in white letters at least six inches in height or in lieu of such flag the words "EXPLOSIVES—DANGEROUS" must be painted on, or attached to the end and each side of such vehicle in white letters at least six inches in height.

It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in or upon such vehicle, to drive the vehicle while intoxicated, to drive the vehicle in a careless or reckless manner, or to load or unload such vehicle in a careless or reckless manner.

Regulations regarding vehicles.

It shall be unlawful for any person to place or carry or cause to be placed or carried, any metal tool or other similar piece of metal, in the bed or body of a vehicle containing explosives.

Carrying metal in which forbidden.

It shall be unlawful for any person to place or carry or cause to be placed or carried, in the bed or body of any vehicle containing explosives, any exploders, detonators, blasting caps, or other explosive material, or to carry in or upon any such vehicle any matches.

Not to carry caps, explosives, etc., in bed of wagon containing explosives.

FIRE ARMS. Section 14. No person shall discharge any fire arms at or against any magazine or factory building.

Forbidding the discharge of fire arms against factory, building or magazine.

PENALTIES. Section 15. Except as otherwise provided in this Act, whoever fails to comply with or violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than five hundred dollars (\$500.00.)

Violation of Act a misdemeanor.

Penalty.

Section 16. Any person who shall have in his possession or control any shell, bomb or similar device, charged or filled with one or more explosives, intending to use the same or cause the same to be used for an unlawful purpose, shall be deemed guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not less than five years nor more than twenty-five years. The possession or control by any person, of any such device, so charged or filled, shall be deemed prima facie evidence of an intent to use the same, or cause the same to be used for an unlawful purpose.

Having in possession any bomb, shell or other explosive for unlawful purpose a felony.

Penalty.

What deemed prima facie evidence.

Section 17. In case any provision of this Act shall be adjudged unconstitutional, or void for any other reason, such adjudication shall not affect any of the other provisions of this Act.

The adjudging of any section of Act not to affect other sections.

EXEMPTIONS. Section 18. (a) Nothing contained in this Act shall apply to the regular military or naval forces of the United States, nor the duly authorized militia of any State or Territory thereof, nor to the police or fire departments of this State, or of any municipality or county within this State, providing the same are acting

Military and naval forces not affected by Act.

Other persons not affected in their official acts.

in their official capacity, and in the proper performance of their duties.

Act not to apply to certain transportation of explosives.

(b) Nothing contained in this Act shall apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the Interstate Commerce Commission; nor to transportation or use of blasting explosives for agricultural or prospecting purposes in quantity not exceeding two hundred (200) pounds at any one time; nor to any explosives in quantities not exceeding five (5) pounds at any one time nor to any person or persons carrying ammunition in reasonable amounts.

Ordinances, rules and regulations of cities not affected when.

EXISTING ORDINANCES NOT AFFECTED. Section 19. Nothing contained in this Act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this Act governing the manufacture, storage and sale of explosives, or affect, modify or limit the power of cities or municipalities in this State to make ordinances, rules or regulations not less restrictive than this Act, governing the manufacture, storage, sale, use or transportation of explosives within their respective corporate limits.

Repealing clause.

Section 20. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

This Act shall take effect ninety (90) days after its passage and approval.

Approved February 27, 1917.

CHAPTER 130.

“An Act Making All Places Where Intoxicating Liquors are Manufactured, Sold or Given Away in Violation of the Law, Common Nuisances, Providing for the Punishment for the Maintaining of the Same, and Providing for the Abatement Thereof, and Providing for the Seizure and Destruction of such Intoxicating Liquors and Fixtures.”

Be it enacted by the Legislative Assembly of the State of Montana:

Common nuisance; places where intoxicating liquors, etc. are kept contrary to law.

Section 1. All places where intoxicating liquors are sold, bartered or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter or delivery in violation of the law, and all intoxicating liquors, glasses,

bottles, kegs, pumps, bars and other property kept in and used in maintaining such a place, are hereby declared to be common nuisances; and every person who maintains or assists in maintaining such common nuisance shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, for each offense.

Misdemeanor.

Penalty.

Section 2. Whenever there is a reason to believe that such nuisance is maintained or exists contrary to the law, the county attorney must, or any citizen of the county may maintain an action in equity in the name of the State of Montana upon the relation of such county attorney or citizen, as the case may be, to abate and prevent such nuisance and to perpetually enjoin the person or persons conducting or maintaining the same, and the owner, lessee or agent of the building or place, in or upon which such nuisance exists, from directly or indirectly maintaining or permitting such nuisance.

Duty of County Attorney to abate common nuisance when.

Persons to be perpetually enjoined.

Section 3. Any violation or disobedience of any injunction order provided for by this Act shall be punished as a contempt of court by fine and imprisonment as provided in Section 1 of this Act.

Violation of injunction. contempt.

Section 4. It shall be the duty of every officer authorized to make arrests under the provisions of this Act to seize all intoxicating liquors held for sale or delivery contrary to law and all glasses, bottles, kegs, pumps, bars and other fixtures used in the sale or delivery of such intoxicating liquors contrary to law and to arrest the person actually or apparently in possession or control thereof, or of the premises in which the same may be found, if any such person be present at the time of the seizure of any such intoxicating liquors or fixtures.

Duty of officer to seize intoxicating liquor, glasses, bottles, etc., when.

To arrest persons in control.

Section 5. The magistrate before whom any intoxicating liquors, glasses, bottles, kegs, pumps, bars and other fixtures maintained contrary to law as provided in Section 4 of this Act, must, if there be a prisoner, and if he shall hold such prisoner, cause such intoxicating liquors, glasses, bottles, kegs, pumps, bars and other fixtures to be delivered to the county attorney to be used as evidence on the trial of such prisoner, or if the magistrate does not hold the prisoner, he must cause the immediate and public destruction of such intoxicating liquors, glasses, bottles, kegs, pumps, bars and other fixtures in the pres-

Duty of magistrate regarding the furniture and fixtures when there is a prisoner.

Public destruction of liquors, etc.

No right of action for destruction of liquors, bar fixtures and furnishings.

Duty of county attorney to produce evidence at trial.

Duty of court to cause public destruction of liquors, etc.

ence of said magistrate. No person owning or claiming to own any such intoxicating liquors, glasses, bottles, kegs, pumps, bars and other fixtures so destroyed, shall have any right of action against any person or against the state, county or city for the value of such liquors or fixtures or for damages. It shall be the duty of the county attorney to produce such intoxicating liquors or fixtures in court on the trial of the case. It shall be the duty of the trial court after the disposition of the case, and whether the defendant be convicted, acquitted or fails to appear for trial, to cause the immediate and public destruction of any such intoxicating liquors or fixtures by the sheriff or any other officer or person designated by the court.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 131.

"An Act to Amend Sections 2927, 2928, 2930, 2931 and 2932 of the Revised Codes of Montana, 1907, and Section 2929 of the Revised Codes of Montana, 1907, as Amended by Section 3 of Chapter 30 of the Laws of the Twelfth Legislative Assembly of the State of Montana, Relating to County Fairs in Counties of the State Appointing a Fair Commission by the County Commissioners, Defining the Duties and Compensation of Such Fair Commissioners, Providing for a Tax, the Appropriating of Money for the Purchase, Holding and Improving of Lands for the Maintenance of a County Fair, Providing for the Disbursement of Such Moneys, to Provide for County Exhibits at the State Fair and Making the County Treasurer Ex-Officio the Treasurer of Such County Fair Associations; Repealing Sections 1 and 2 of Chapter 30 of the Twelfth Session Laws of Montana and Repealing Chapter 124 of the Laws of the Thirteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2927 of the Revised Codes of 1907 of the State of Montana be, and the same is hereby, amended to read as follows:

Section 2927 of Revised Codes amended.

"Section 2927. The Board of County Commissioners of each county of Montana may at their regular meeting in March of each year, or thereafter, appoint from among the electors of their respective counties five responsible persons to constitute a County Fair Commission, said persons shall be well qualified to perform the duties of organizing and successfully carrying on a county fair.

County Fair.
Board of County
Commissioners
may appoint
County Fair
Commission.

In case there is in any county a Fair Association, Horticultural or Agricultural Society, the Board of County Commissioners may appoint said Fair Commission from the members of said Fair Association, Horticultural or Agricultural Society, giving the preference in said appointments to the officers of the said associations or societies."

Preference to be
given to officers
of horticultural
and agricultural
societies.

Section 2. That Section 2928 of the Revised Codes of Montana, 1907, as amended by Section 3, Chapter 30, of the Laws of the Twelfth Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Section 2928 of
Codes amended.

"Section 2928. Said Commission shall do all things necessary to hold a successful county agricultural fair in their respective counties and shall have charge of all fair grounds and fair property."

Duties of Com-
mission.

Section 3. That Section 2929 of the Revised Codes of Montana of 1907, be, and the same is, hereby, amended to read as follows:

Section 2929
amended.

"Section 2929. Said Commission shall organize by electing one of its members President, and one of its members Vice-President, and the County Treasurer shall be ex-officio the Treasurer. The Secretary shall be appointed by the Commission and may be a member of the Commission; provided, that should he be a member of the Commission, then his salary shall be fixed by the Commission, in lieu of the salary of Twenty-five Dollars (\$25.00) a year as provided for in this Act."

Commission to
organize how.

County Treasurer
ex-officio treas-
urer, secretary.

Salary of Secre-
tary.

Section 4. That Section 2930 of the Revised Codes of Montana of 1907 be, and the same is, hereby, amended to read as follows:

Section 2930
amended.

"Section 2930. Each member of the said Commission shall receive a salary of Twenty-five Dollars (\$25.00) a year as compensation for his services. In addition thereto the said Commissioner may be allowed his actual and necessary expenses while fulfilling the duties of his office."

Compensation of
fair commission.

Actual expenses.

Section 5. That Section 2931 of the Revised Codes of

Section 2931
amended.

Montana of 1907 be, and the same is, hereby, amended to read as follows:

Board of County Commissioners may annually make appropriation for fair.

“Section 2931. The Board of County Commissioners of their respective counties may appropriate annually out of the General Fund of the County Treasury to the county fair commission, a sum not to exceed Twenty-five Hundred (\$2500.00) Dollars to be expended by the county fair commission, for the purpose of holding a county fair. In addition to the appropriation above provided for, or in lieu thereof, the county commissioners of any county in Montana shall have the power to levy an advalorem tax of one mill or less on each dollar of taxable property in such county, for the purpose of securing, equipping and maintaining a county fair, including the purchase of land for such purpose, and the erection of such buildings and other appurtenances as may be necessary; provided, however, that no portion of said appropriation or tax levy shall be expended for horseracing.”

Tax may be levied.

Rate of levy.

For what purposes.

Section 2932 amended.

Section 6. That Section 2932 of the Revised Codes of Montana of 1907 be, and the same is, hereby, amended to read as follows:

Funds to be kept separately and paid out how.

“Section 2932. The funds derived from such appropriation or tax levy shall be kept in a separate fund by the County Treasurer, and shall hereafter be paid out by the said Treasurer on orders signed by the President and Secretary of the said Fair Commission.

Amount of land which may be acquired, and how, and used for what purposes.

The Board of County Commissioners of any County in the State of Montana may purchase, receive by donation or own and hold a tract of land in their respective counties, not exceeding 160 acres, as county fair grounds, which land may be used by the county fair commission for the purpose of promoting the interests of horticulture, agriculture and stockraising. The Board of County Commissioners who shall avail themselves of the foregoing provisions may purchase, erect, construct and maintain permanent improvements on such county fair grounds.

Permanent improvements.

Amount of money which county may appropriate for transporting exhibits to state fair.

The Board of County Commissioners appropriating money for exhibits at State Fair of each County is hereby authorized to appropriate each year the sum of One Thousand (\$1,000.00) Dollars, or as much thereof as may be necessary, out of the general fund of the county for the purpose of defraying the expenses of collecting, transporting to the State Fair and taking care of any exhibit from such county at the said State Fair; such money to be expended under the direction of the Board of County Commissioners.”

Section 7. That Sections 1 and 2 of Chapter 30 of the Session Laws of the Twelfth Legislative Assembly of Montana be, and the same are, hereby, repealed.

Repealing part of Chapter 30, Laws 1911.

Section 8. That Chapter 124 of the Laws of the Thirteenth Legislative Assembly of the State of Montana be, and the same is, hereby, repealed.

Repealing Chapter 124, Laws of 1913.

Section 9. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 132.

“An Act to Amend Section 4535 of the Revised Codes of Montana of 1907, Relating to Monuments and Fences and the Duty of Co-Terminous Owners with Reference to the Maintaining of the Same.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4535 of the Revised Codes of Montana of 1907 is hereby amended so as to read as follows:

Amending Section 4535, Revised Codes.

“Section 4535. Co-terminous owners are mutually bound equally to maintain:

Mutual obligations of co-terminous owners. Boundaries and monuments. Fences, when.

1. The boundaries and monuments between them.
2. The fences between them, unless one of them chooses to let his land lie without fencing, in which case, if he afterwards encloses it, he must refund to the other a just proportion of the value, at that time, of any division fence made by the latter; provided, however, that using land for grazing or pasturage of any kind whatsoever shall be deemed a usage of said land and such land shall not be considered as lying idle under the provisions of this Act.”

Must contribute cost of building when.

What considered a usage of land.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 133.

“An Act Providing for the Appointment of an Expert to Make a General Survey to Determine the Condition

of the Feeble-minded, Deaf, Dumb and Blind Children in Montana, and Making an Appropriation to Carry Out the Provisions of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Education may employ an expert for what purposes.

Section 1. That the State Board of Education is hereby authorized and directed to employ an expert for the purpose of making a general survey of the State of Montana, to determine the condition of the feeble-minded, deaf, dumb and blind children in Montana.

Appropriation.

Section 2. There is hereby appropriated out of the general fund not otherwise appropriated the sum of two thousand (\$2,000.00) dollars, or so much thereof as may be necessary to carry out the provisions of this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1st, 1917.

CHAPTER 134.

"An Act to Amend Section 637 of the Revised Codes of the State of Montana of 1907 as Amended by Section 1 of Chapter 126 of the Session Laws of 1915 Relating to the Election and Appointment of United States Senators in Congress."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 637 of Revised Codes amended.

Section 1. That Section 637 of the Revised Codes of 1907 "As amended by Section 1, Chapter 126 of the Session Laws of the Fourteenth Legislative Assembly." be and the same is hereby amended to read as follows:

When election of U. S. Senator must be held.

To fill vacancies.

"Section 637. The election of Senators in Congress of the United States for full terms must be held on the first Tuesday after the first Monday in November next preceding the commencement of the term to be filled; and the elections of Senators in Congress of the United States to fill vacancies therein must be held at the time of the next succeeding general state election following the occurrence of such vacancy; if any election therefor be invalid or not held at such time then the same shall be held at the second succeeding general state election. Nominations of candidates and elections to the office shall be made in the same manner as is provided by law in case of governor."

Nominations to be made how.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 1, 1917.

CHAPTER 135.

“An Act to Provide for the Construction of Commercial or Industrial Spurs from Railroads, and to Give the Board of Railroad Commissioners of the State of Montana Power and Authority with Reference Thereto.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of Railroad Commissioners of the State of Montana shall have power and authority to, after such investigation as they may deem necessary, and under such rules and regulations as they may establish with reference thereto, compel railroads or railways or other companies or corporations operating or holding themselves out to be common carriers in the State of Montana, to extend or construct commercial or industrial spurs from constructed lines or tracks at stations or from within station limits: Provided, the length of such commercial or industrial spurs or tracks shall be not to exceed two miles from the headlock to end of track.

Board of Railroad Commissioners to have power to compel the construction of commercial spurs, when.

Limit of length of such spurs.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 136.

“An Act to Amend Section 50 of Chapter 89 of the Laws of 1915 Entitled, ‘An Act Regulating the Business of Banking, Providing for the Creation and Regulation of Banking Corporations, Creating the Department of Banking and Prescribing the Duties and Fixing the Salaries of Its Officers and Employees, and Repealing Title 11, Part IV of Division I of the Civil Code of Montana, Entitled, ‘Banks and Banking Corporations, ‘Being the Provisions of Sections 2909 to 4015, Both Numbers Inclusive, Revised Codes of Montana, 1907, and All Acts Amendatory Thereof, “Relative to the Desigration of Reserve Banks.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 50 of Chapter 89 of the Laws of 1915, entitled, “An Act regulating the business of Banking, providing for the creation and regulation of Banking Corporations, creating the Department of Bank-

Section 50 Chapter 89 Laws of 1915 amended.

ing and prescribing the duties and fixing the salaries of its officers and employes, and repealing Title 11, Part IV of Division 1 of the Civil Code of Montana, entitled, 'Banks and Banking Corporations,' being the provisions of Sections 2909 to 4015, both numbers inclusive, Revised Codes of Montana, 1907, and all Acts amendatory thereof," be, and the same is hereby amended so as to read as follows:

Amount of reserve required to be maintained by banks.

May be kept on deposit where and when.

Reserve Banks required to maintain what amount as a reserve.

May be deposited where.

What banks may be designated as a reserve agent.

Approval or designation may be withdrawn when.

Applicable to what banks.

When a reserve bank shall not increase its loans.

Notice to make good required reserve.

When Attorney General may institute proceedings for appointment of a receiver.

How estimates of required reserves shall be made.

Limitation of banks indebtedness.

Section 50. Every bank, except a reserve bank, shall maintain at all times a reserve of at least fifteen per centum of its deposit liabilities, of which reserve such portion as the Board of Directors may determine may be on deposit in banks approved by the Superintendent of Banks as reserve banks. A bank approved by the Superintendent of Banks as a reserve bank must at all times maintain a reserve of at least twenty-five per centum of its deposit liabilities, of which such portion as the board of directors may determine, may be on deposit in banks approved by the Superintendent of Banks as reserve banks. Any solvent bank of good repute having a fully paid up capital and surplus of \$100,000.00, doing business in the State of Montana or any of the states of the United States may be designated by the Superintendent of Banks as a Reserve Agent for the Montana State Banking institutions. Such approval or designation may be withdrawn or withheld at any time by the Superintendent of Banks for cause provided that the provisions of this Act as to capital and surplus shall not apply to any bank in Montana heretofore designated by the Superintendent of Banks as a Reserve Bank. Whenever the reserve of any bank shall fall below the amount required herein to be kept, such bank shall not increase its loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the Superintendent of Banks shall notify any bank whose reserve may be below the amount herein required, to make good such reserve, and in case the bank fails, for thirty days thereafter, to make good such reserve, the Superintendent of Banks may notify the Attorney General, and he shall institute proceedings for the appointment of a receiver and to wind up the business of the bank. In estimating the reserve required by this Act the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which reserves shall be determined. No bank shall at any time

become indebted, either directly or indirectly, for borrowed money or re-discounts in an amount in excess of its paid up capital and surplus without first obtaining written authority from the Superintendent of Banks. Provided that debentures or certificates of indebtedness issued by any investment company to run for a period of three years or more, shall not be included in the deposit liabilities of said investment company as affected by the provisions of this section.

Proviso concerning debentures issued by an Investment Company.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 1st, 1917.

CHAPTER 137.

“An Act to Amend Sections 1, 3, 4, and 5 and to Repeal Section 12, Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Relating to County Libraries.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, be hereby amended to read as follows:

“Section 1. Upon petition signed by not less than twenty per cent of the resident tax payers whose names appear upon the last assessment roll of the county, at least half of whom shall reside outside of the county seat, being filed with Board of County Commissioners, requesting the establishment of a County Free Library, the County Commissioners of any county shall appoint a meeting for a public hearing and may in their discretion, by resolution, establish at the county seat a County Free Library, as provided in this Act. For four successive weeks prior to taking such action, the Board of County Commissioners shall publish in each issue of a newspaper of general circulation in such county, notice of such contemplated action, giving therein the date and place of the meeting for a public hearing at which such action is proposed to be taken.”

County free library.

Number of signers to petition to establish, required.

Meeting for hearing petition.

Notice to be published by county commissioners.

Section 2. That Section 3 of Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the

Section 3 amended.

Power to appoint and remove County Librarian.	State of Montana, be hereby amended to read as follows:
Qualifications required.	“Section 3. Upon the establishment of a County Free Library, the Board of County Commissioners may appoint a County Librarian, who may be removed for cause, after the hearing, by said Board. Any person who is a graduate of a library school, or has had two years’ practical experience in a library of not less than two thousand volumes shall be eligible to the office of County Librarian. Provided, that, from and after the creation and organization of a state board of library examiners, no person shall be eligible to the office of county librarian unless, prior to his appointment, he has received from said board of library examiners a certificate of qualification for the office.”
When qualifications may be changed.	
Section 4 amended.	Section 3. That Section 4 of Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, be hereby amended to read as follows:
County free library to be under the general supervision of whom.	“Section 4. The County Free Library shall be under the general supervision of the Board of County Commissioners, who shall have power to make general rules and regulations regarding the policy of the County Free Library. The County Librarian shall have power to establish branches throughout the county, and may locate said branches and stations wherever deemed advisable; to determine the number and kind of employes of such library, and to employ and dismiss such employes. All employes of the County Free Library whose duties require special training in library work, shall be graded in grades to be established by the County Librarian, according to the duties required of them. Before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the County Librarian, and show a satisfactory experience in library work; provided that the County Librarian may also accept as apprentices, and who shall receive no compensation, candidates possessing personal qualifications satisfactory to the Librarian and the Librarian may dismiss such apprentices at any time if in her judgment the work is not satisfactory.”
Rules and regulations.	
Branches of library may be established by whom.	
Librarian to establish grades for all employes of library.	
Employes to pass examinations.	
Apprentices.	
Section 5 amended.	Section 4. That Section 5 of Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, be hereby amended to read as follows:
Duties of librarian.	“Section 5. The County Librarian shall, subject to the general rule adopted by the Board of County Commissioners, build up and manage, according to the accepted principles of library management, a library for the use

of the people of the county, shall establish branches and stations throughout the county, and shall determine what books and other equipment shall be purchased. The Library building shall be under the general supervision and care of the County Librarian. The County Librarian shall be allowed actual and necessary traveling expenses incurred in the business of the office, and such compensation as the Board of County Commissioners may fix. The Boards of County Commissioners of the several counties of the State are hereby authorized to audit and allow such traveling expenses and other compensation of the County Librarian of the respective counties; and the same shall be paid out of the County Free Library Fund."

Library building.
Actual and necessary expenses allowed.
Compensation.

County Commissioners authorized to audit and allow expenses and compensation.

Section 5. That Section 12 of Chapter 45 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be hereby repealed.

Section 12 of chapter repealed.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect sixty days from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 138.

"An Act to Provide for the Validation of Certain Instruments and Records Which Have Heretofore Been Filed, Recorded or Made in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all instruments which have heretofore been filed for record in the several Recorders' offices of the State of Montana, including all instruments which were offered for record pursuant to Section 3032 of the Montana Revised Codes of 1907, which have been recorded in the offices of the Recorders of the several counties by being correctly copied, separately, in large and well bound, or to be bound, separate books, either in a fair hand or by printing or by typewriting or by the use of prepared blank forms, or by being so inscribed or printed on a single loose leaf or leaves of a book, which leaf or leaves have heretofore or are to become a permanent part of any such book or volume, which, when completed, has or shall have the pages thereof securely locked, sealed or bound into the volume, shall be, and are hereby,

Validating the recording of certain instruments.

declared to be properly recorded under the laws of the State of Montana.

Validating
certain recorded
instruments in
certain respects.

Section 2. And all such instruments as have been recorded in accordance with the requirements of the foregoing Section are hereby expressly validated, insofar as validation may be necessary to establish them as correctly or legally recorded instruments for all purposes.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 139.

“An Act to Fix, Define and Determine the Boundaries of Prairie County, Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Boundaries of
Prairie county
defined.

Section 1. That the boundaries of Prairie County, Montana, be and the same are hereby fixed, defined and determined as follows:

Beginning at the Northeast corner of Township sixteen (16) North, of Range fifty (50) East; thence at right angles due South along the range line between Ranges fifty (50) and fifty-one (51) to the Southwest corner of Section seven (7), Township fourteen (14), Range fifty-one (51), East; thence running at right angles due East along section lines to the Northeast corner of Section thirteen (13), Township fourteen (14) North, Range fifty-one (51) East; thence running at right angles due South to the Southeast corner of Township fourteen (14) North, of Range fifty-one (51) East; thence running at right angles due East along the north line of Township thirteen (13) North, to the Northeast corner of Township thirteen (13) North of Range fifty-two (52) East; thence running at right angles due South one mile to the Southwest corner of Section Six (6), Township thirteen (13) North, Range fifty-three (53) East; thence running at right angles due east to the Southeast corner of said Section Six (6), Township thirteen (13) North, Range fifty-three (53) East; thence running at right angles due South one mile to the Southwest corner of Section eight (8), Township thirteen (13) North, Range fifty-three

(53) East; thence running at right angles due East one mile to the Northeast corner of Section seventeen (17), Township thirteen (13) North of Range fifty-three (53) East; thence running at right angles due South along Section lines to the Southwest corner of Section twenty-one (21), Township thirteen (13) North, Range fifty-three (53) East; thence running at right angles due East along the North line of Sections 28, 27, 26, 25, of Township 13, Range 53 East; thence along the North line of Sections 30, 29, 28, 27, 26, 25 of Townships 13, North, 54 East and 13 North, 55 East to the Northeast corner of Section twenty-seven (27), Township thirteen (13) North, Range fifty-six (56) East; thence due South along the East line of Sections twenty-seven (27) and thirty-four (34) to the Southeast corner of Section thirty-four (34) Township thirteen (13), Range fifty-six (56) East; thence West to the Northwest corner of Section six (6), Township twelve (12) North, Range fifty-seven (57) East; thence running at right angles due South along the East line of Range fifty-six (56) to the Southeast corner of Township eleven (11) North, Range fifty-six (56) East; thence at right angles due West along the South line of Township eleven (11) to the Northwest corner of Township ten (10) North, Range fifty-six (56) East; to the Northwest corner of Section 19, Township ten North, Range fifty-six East, thence running at right angles due West along the North line of Sections twenty-four, twenty-three, twenty-two, twenty-one, twenty, nineteen, Township ten North, Range fifty-five East to the Northwest corner of Section nineteen, Township ten North, Range fifty-five East, thence running at right angles due South to the Southwest corner of Township ten North, Range fifty-five East; thence running due West along the South line of Township ten North, Range fifty-four East; thence running due West along the South line of Township ten (10) North to the Northwest corner of Township nine (9) North, Range fifty-four (54) East; thence due South two miles to the Southeast corner of Section twelve (12), Township nine (9) North of Range fifty-three (53) East; thence due West along Section lines to the Southwest corner of Section seven (7), Township nine (9), Range fifty-two (52) East; thence due north along the Range lines between Ranges fifty-one (51) and fifty-two (52) to the Southeast corner of Township ten (10), North of Range fifty-one (51), East; thence due West along the North line of Township nine (9) North, to the South-

west corner of Section thirty-three (33), Township ten (10), North, Range fifty (50) East; thence at right angles due North two miles to the Northwest corner of Section twenty-nine (29), Township ten (10) North, Range fifty (50) East; thence at right angles due West to the Northwest corner of Section thirty (30), Township ten (10) North, Range fifty (50) East; thence along the Range line between Ranges forty-nine (49) and fifty (50) to the Northeast corner of Township ten (10) North, Range forty-nine (49) East; thence at right angles due West to the Northwest corner of Section four (4), Township ten (10) North, Range forty-nine (49) East; thence at right angles due North through unsurveyed Township eleven (11) North, Range forty-nine (49) East, on a line parallel with the West line of Township eleven (11) North to the point of intersection of the Northwest corner of unsurveyed Section four (4), Township eleven (11) North, Range forty-nine (49) East, with the South line of Township twelve (12) North, Range forty-nine (49) East; thence at right angles due West to the Southwest corner of Township twelve (12) North, Range forty-nine (49) East; thence at right angles due North to the Northwest corner of Township twelve (12) North, Range forty-nine (49) East; thence at right angles due West to the Southwest corner of Township thirteen (13) North, Range forty-seven (47) East; thence at right angles due North along the West line of Township thirteen (13) North to the point of intersection of the West line of Township thirteen (13), North, with the North line of Custer County; thence at right angles due West along the North boundary line of Custer County to the point of intersection with the West line of Township thirteen (13) North, Range forty-five East, with the said North boundary line of Custer County; thence at right angles due North along the West line of Township thirteen (13), fourteen (14), fifteen (15), and sixteen (16) North, to the Northwest corner of Township sixteen (16) North, Range forty-five (45) East; thence at right angles due East along the North line of Township sixteen (16) North to the Northeast corner of Township sixteen (16) North, Range forty-five (45) East; thence at right angles due South to the Northeast corner of Township fifteen (15) North of Range forty-five (45) East; thence at right angles due East to the Northeast corner of Township fifteen (15) North, Range forty-six (46) East; thence at right angles due North to the Northwest corner of

Township sixteen (16) North, Range forty-seven (47) East; thence at right angles due East along the North line of Township sixteen (16) North to the place of beginning.

Section 2. That Sections 25, 26, 35 and 36, of Township thirteen (13) North, Range fifty-six (56) East and the North half of Section twenty-nine (29) and all of Section thirty (30) of Township thirteen (13) North, Range fifty-seven (57) East be and the same is hereby declared to be a part of the County of Wibaux.

Sections declared to be in Wibaux County.

Section 3. That the boundaries of any and all counties adjoining or adjacent to the said Prairie County are hereby changed and altered to conform to the provisions of this Act.

Boundaries of adjacent counties changed to conform.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in force from and after its passage and approval.

Approved March 9th, 1917.

CHAPTER 140.

A Bill for an Act Entitled: "An Act to Permit Co-Operative Associations Organized Under the Laws of the State of Montana, to Consolidate Their Interests and Capital Stock, and Designating the Procedure to be Followed to Effect such Consolidations."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be lawful for two or more co-operative associations formed, or which may be hereafter formed under the laws of the State of Montana, organized and doing business in the same County, to consolidate their capital stock, debts, liabilities, assets, property and franchises, in such manner and upon such terms as may be agreed upon by the Boards of Directors of such associations desiring to consolidate their interests; but no such consolidations shall be made except upon the written request of a majority of the stockholders of each of such associations. When the Directors of the constituent associations shall have agreed upon the terms and manner of consolidation, and name by which the corporation formed by the consolidation shall be known, they shall cause to be published a notice thereof at least once a

Co-operative associations may consolidate their capital stocks, debts, liabilities, etc., when and how.

Notice of consolidation to be published how.

week for four consecutive weeks in some newspaper published in the county where said consolidation is to be had; said notice shall contain the names of the constituent associations and the manner and terms of such consolidation. The said Directors shall also call, within thirty days after such consolidation, a meeting of the stockholders of such constituent associations, upon due notice of the time and place, for the purpose of electing a Board of Directors for the consolidated association; the number of and the term for which said Directors are to be elected shall be determined by the Boards of Directors of the constituent associations.

Section 2. Said terms of consolidation must provide that each stockholder in each association consolidating shall be given equal rights and privileges with every other stockholder in the same association. When said consolidation has been completed, a certificate thereof, showing the procedure and terms of said consolidation and the names of the constituent associations, and the name adopted for the corporation formed by the consolidation, must be filed in the office of the County Clerk of the County where said consolidation takes place; the said certificate shall also contain all the facts required by Section 4210 of the Revised Codes of Montana, 1907; said certificate shall be signed and acknowledged by at least a majority of the directors of each of the constituent associations. A copy of said certificate, duly certified by the County Clerk and Recorder, must also be filed in the office of the Secretary of State.

Section 3. When the foregoing provisions have been complied with, the constituent associations named in said certificate, shall be deemed and held to have become extinct, and said new association, under the name adopted, shall be deemed and held to have succeeded to all their several capital stocks, properties, assets, contracts, and rights of action, and to be entitled to possess, enjoy and enforce the same and every part thereof, as fully and completely as either and every of its constituent associations might have done had no consolidation taken place. Said new association shall also be deemed and held to have become subrogated to its several constituents and each thereof, in respect to all their contracts and agreements with other parties, and all their debts, obligations and liabilities of every kind and nature to any person, persons or corporations whomsoever or whatsoever, and said new association must sue or be sued in its own name

Notice to contain what.

Meeting of stockholders to be called to elect new directors.

Number and terms of directors to be fixed.

Terms of consolidation shall provide what.

Certificate to be filed in office of County Clerk.

Certified copy of certificate to be filed in office of Secretary of State.

When old associations deemed extinct.

New association to be deemed to have succeeded to what.

in any and every case in which any or either of its constituents might have sued or may have been sued, had no such consolidation been made.

Section 4. Nothing in this Act shall be construed to impair the obligation of any contract to which any of such constituents was a party at the date of said consolidation.

Act not to be construed as impairing any obligations of former associations.

Section 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 141.

A Bill for an Act Entitled: "An Act Permitting Assessments by Water Users' Associations Which Have Contracts with the United States Government Under the Reclamation Act, in Lieu of Previous Assessments."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any Water Users' Association, having a contract with the United States Government for construction of works and delivery of water, and also a contract with its shareholders, organized under and by virtue of the Corporation Laws of this State, and in conformity with the Laws of the United States, shall have levied an assessment or assessments upon its capital stock which assessment or assessments or any part thereof remain uncollected, such association shall have the power to discharge all assessments theretofore levied, and to levy in lieu thereof an assessment which shall include all previous assessments levied upon the shareholders of said association, and to give credit for all payments on assessments theretofore made.

Water Users Associations to have power to discharge all old and make a new assessment.

Section 2. That all assessments authorized hereunder shall be equitable and be based upon benefits received or available.

Character and basis of assessments.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 142.

“An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Section 2 of Article 12 of the Constitution of the State of Montana Providing that Evidence of Debt May be Exempt from Taxation.”

Be it enacted by the Legislative Assembly of the State of Montana:

Proposed amendment to Constitution of State to be submitted.

Section 1. That Section 2 of Article 12 of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2 of Article 12 to be amended.

Section 2. That Section 2 of Article 12 of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

Property to be exempt from taxation.

“The property of the United States, the State, Counties, Cities, Towns, School Districts, Municipal Corporations and Public Libraries shall be exempt from taxation; and such other property as may be used exclusively for the agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, institutions of purely public charity and evidences of debt secured by mortgages of record upon real or personal property in the State of Montana, may be exempt from taxation.”

Evidences of debt secured by mortgage.

Ballots to be separate.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1918, which shall have printed thereon the words, “For the amendment to the Constitution relating to exemption of mortgages from taxation,” and the words, “Against the amendment to the Constitution relating to exemption of mortgages from taxation,” and the elector shall indicate his preference by marking an X before the proposition for which he desires to vote and the result of the vote on said question shall be determined and declared as provided by law.

Form of question.

How preference to be indicated.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force after its passage and approval.

Approved March 3, 1917.

CHAPTER 143.

"An Act Relating to Intoxicating Liquors, Prohibiting the Soliciting and Taking of Orders Therefor, the Advertisement Thereof, Declaring Certain Places to be Nuisances and Providing for Their Abatement, Regulating the Transportation Thereof, and Providing for the Search and Seizure and Destruction Thereof, Prescribing the Powers and Duties of Certain Officers, Providing for the Removal of Certain Officers for Failure, Neglect or Refusal to Perform Their Duties, Prescribing the Forms of Procedure and the Rules of Evidence in Actions and Proceedings Under the Laws Relating to Intoxicating Liquors and Fixing the Penalties for Violations Hereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This entire Act shall be deemed an exercise of the police power of the state, for the protection of the economic welfare, health, peace and morals of the people of the state, and all of its provisions shall be liberally construed for the accomplishment of that purpose.

Act to be deemed an exercise of police power of the state.

To be liberally construed.

Section 2. The phrase "intoxicating liquors" shall be held and construed to include whisky, brandy, gin, rum, wine, ale and any spirituous, vinous, fermented or malt liquors and liquor or liquid of any kind or description, whether medicated or not, and whether proprietary, patented or not, which contains as much as two per centum of alcohol measured by volume, and which is capable of being used as a beverage.

"Intoxicating liquor" defined.

Section 3. The word "person" shall be held and construed to mean natural persons, firms, co-partnerships, corporations and all associations of natural persons, whether acting by themselves or by a servant, agent or employe.

The word "person" to be held and construed to mean.

Section 4. It shall be unlawful for any person to act as an agent for any wholesale or retail liquor house, brewery or distillery, in any manner whatever, either for transmitting orders for any such wholesale or retail liquor house, brewery or distillery or for the purpose of distributing any of their intoxicating liquors the sale of which is prohibited by the laws of this state; or to take or solicit orders for the purchase or sale of any such intoxicating liquor, either in person, or by sign, circular, letter, poster, hand-bill, card, price list, advertisement or otherwise, or to distribute, publish or display any advertise-

Unlawful for any person to act as agent or take orders for any liquor dealers or manufacturers of intoxicating liquors, in any manner.

Shall not distribute or display advertisements for liquor concerns.

Violation of section a misdemeanor.

Unlawful to keep or assist in keeping any club house or other place where liquors are received for any purpose named.

Testimony given by any witness not to be used against him.

Violation of Section a misdemeanor.

Unlawful to permit intoxicating liquors to be manufactured, sold, exchanged, given away, etc. in places named.

Or kept for such purposes.

Places designated as common nuisances may be abated as such.

In case of conviction court shall order, what.

Owner shall be required to give bond.

Condition of bond.

ment, sign or notice naming, representing, designating or referring to the quality or qualities of any intoxicating liquor, or giving the name or address of any manufacturer dealing in intoxicating liquor, or stating where any such liquor may be obtained, or to possess or receive any intoxicating liquor except as provided in this Act. A violation of any of the provisions of this Section shall be deemed a misdemeanor.

Section 5. It shall be unlawful for any person to directly or indirectly keep or maintain by himself, or by association with others, or to in any manner whatever aid, assist or abet in keeping or maintaining any club house or other place in which intoxicating liquor is received or kept for the purpose of use, gift, barter or sale, or for the purpose of distribution or division among the members of any club or association, or to purchase or order any intoxicating liquor except as provided in this Act. But any affidavit or testimony given by any person purchasing or ordering such prohibited liquors shall not be used against the person so testifying or making such affidavit. A violation of any of the provisions of this Section shall be deemed a misdemeanor.

Section 6. It shall be unlawful for any person owning, leasing, renting or occupying any premises, building, structure, room, vehicle, or boat to knowingly permit intoxicating liquors to be manufactured, sold, exchanged, given away, bartered, furnished, or otherwise disposed of contrary to law, or to be kept with intent to sell, exchange, give away, barter, furnish or otherwise dispose of the same in violation of law therein or thereon; and all premises, buildings, structures, rooms, vehicles, and boats wherein or whereon intoxicating liquor is manufactured, sold, exchanged, given away, bartered, furnished or otherwise disposed of, or kept with intent to sell, exchange, give away, barter, furnish or otherwise dispose of contrary to law, are common nuisances and may be abated as such, and upon conviction of the owner, lessee, tenant, or occupant of any premises, building, structure, room, vehicle, or boat of a violation of the provisions of this section, the court shall order such nuisance to be abated, and shall order that such premises, building, structure, room, vehicle or boat be closed until the owner, tenant or lessee or occupant thereof shall give bond, with a sufficient surety to be approved by the court making the order, in the penal sum of One Thousand (\$1000) Dollars payable to the State of Montana, and conditioned

that intoxicating liquor will not thereafter be manufactured, sold, given away, bartered, furnished or otherwise disposed of, or kept therein or thereon with intent to sell, exchange, give away, barter, furnish, or otherwise dispose of the same contrary to law, and that he will pay all fines, costs and damages that may be assessed against him for any violation of any of the provisions of the laws of this state relating to intoxicating liquors, and in case of violation of any condition of such bond the whole amount may be recovered as a penalty, for the use of the common school fund of the county wherein the premises are situated; provided, however, that if such bond be furnished by the owner of such premises, he shall not be liable for subsequent violation of the provisions of this section, unless such violation occurs with his knowledge, and in all cases where a person has been convicted of a violation of any of the provisions of this section, and no appeal has been taken from such conviction, a complaint may be filed in the district court of the county in which such conviction was had to abate the nuisance, and in any such action, the court records showing such conviction, shall be prima facie evidence of the existence of such nuisance.

Section 7. If upon the sworn complaint of any person, it shall be made to appear to any judge of the district court that there is probable cause to believe that intoxicating liquor is being manufactured, sold, exchanged, given away, bartered or otherwise disposed of, or kept contrary to law, such judge shall, with or without the approval of the county attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture, fixtures and other articles used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such liquor, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all liquor implements, furniture, fixtures and other articles seized, and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of the same, the return shall so state. No warrant shall be issued to search a private dwelling occupied as such, unless

Amount which may be recovered in case bond is violated.

Not to be liable for subsequent violations of Act, unless.

Abating nuisance when no appeal has been taken.

Record to be prima facie evidence of what.

When probable cause is shown by sworn complaint.

Duty of judge to issue warrant to search premises.

To seize liquors, containers, furniture, etc.

Return on warrant to be made when and to show what.

No warrant to issue to search private dwellings, excepting when.

Copy of warrant to be served upon whom.	some part of it is used as a store or shop, hotel or boarding house, or for any other purpose than a private residence, or unless such residence is a place of public resort. A copy of said warrant shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture, fixtures, or articles so seized, and if no person be found in possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same were found, or if there be no door then in any conspicuous place upon the premises.
To be posted when.	
Duty of court to fix time of hearing of return of warrant.	Section 8. Upon the return of the warrant as provided in the last preceding section, the judge shall fix a time, not less than ten days nor more than twenty days thereafter, for the hearing of said return, when the court shall proceed to hear and determine whether or not the implements, furniture or fixtures, or other articles so seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of the laws of this state relating to intoxicating liquors. At such hearing any person claiming any interest in any of the implements, furniture, fixtures or other articles seized, may appear and be heard upon filing a verified claim setting forth particularly the character and extent of his interest, but upon each hearing the sworn complaint or affidavit upon which the search warrant was issued and the possession of such intoxicating liquor shall be prima facie evidence of the contraband character of the liquor and implements, furniture, fixtures and other articles seized, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest therein and that the same were not used in violation of, and were not in any manner kept or possessed with the intention of violating any of the provisions of the laws of this state relating to intoxicating liquors. If, upon such hearing, the evidence warrants, or if no person shall appear as claimant, the court shall thereupon enter a judgment of forfeiture and order such intoxicating liquor, implements, furniture, fixtures and articles destroyed forthwith by the officer having custody of the same at the time of adjudication, provided, however, the judge may, in his discretion, appoint a special officer for the purpose of executing the judgment of forfeiture by destroying said liquor and property, provided, further, however, that if in the opinion of the judge any of such forfeited property, other than intoxicating liquor is of value and adapted to any lawful use,
Persons who may appear and claim any of the property seized.	
What shall be prima facie evidence of character of property seized.	
Burden on claimant.	
When judgment of forfeiture and that property be destroyed to be entered.	
When judge may appoint special officer to execute judgment.	
When court may order property, other than the liquors, sold.	

such judge shall, as a part of the order and judgment, direct that such property, other than intoxicating liquor, shall be sold as upon execution by the officer having them in custody, and the proceeds of such sale, after the payment of all costs of such proceeding, shall be paid into the common school fund of the school district in which the same were seized. Action under this section and the forfeiture, destruction or sale of any property thereunder, shall not be a bar to any prosecution under any other provision or provisions of the laws of this state relating to intoxicating liquors.

Disposition of
proceeds of sale.

Action not a bar
to criminal
prosecution.

Section 9. When any violation of any provisions of the laws of this state relating to intoxicating liquors shall occur in the presence of any sheriff, constable, marshal or other officer having power to serve criminal process, it shall be the duty of such officer, without warrant, to arrest the offender, and to seize the liquor, bars, furniture, fixtures, vessels and appurtenances thereunto belonging, so unlawfully used, and to take such offender immediately before the court or Judge having jurisdiction in the premises and there make complaint under oath, charging the offense so committed, and he shall also make return setting forth a particular description of the liquor and property seized, and of the place where the same was so seized, whereupon the Court or Judge shall issue a warrant commanding and directing the officer to hold in his possession the property so seized until discharged by process of law, and such property shall be held and a hearing or adjudication on said return had in like manner as if the seizure had been made under a warrant therefor.

Duty of peace
officer when Act
violated in his
presence to ar-
rest without
warrant.

Officers returns
to show what.

Court shall issue
warrant.

Section 10. No liquor, vessels, fixtures, furniture or other property seized by authority of any warrant issued under the provisions of this Act shall be taken from the possession of the officer seizing the same under any replevin or other process.

Seized property
not to be taken
under replevin.

Section 11. All fines and costs assessed against any person for any violation of any of the provisions of the laws of this state relating to intoxicating liquors, shall be a lien upon the real estate of such person until paid; and in case any person shall let or lease any building or premises, and shall knowingly suffer the same to be used and occupied for the manufacture or sale of intoxicating liquor contrary to any of the provisions of the laws of this state relating to intoxicating liquors, the premises so

Fines to be a
lien upon defend-
ants real prop-
erty.

When premises
leased for pur-
poses contrary
to Act.

May be sold to pay fine.

Lien may be enforced how.

Defendant to be committed until when.

Duty of prosecuting officers to diligently inquire into violation of Act when.

Power of prosecuting officer in making inquiry.

Duty of justice of the peace.

Subpoena may be served by whom.

Witness to be sworn, etc.

Who may administer oaths to witnesses.

leased and occupied shall be subject to a lien for, and may be sold to pay all fines and costs assessed against any such occupant for any violation of this Act; and such liens may be enforced by civil action in any Court having jurisdiction; provided, that the person against whom such fines and costs are assessed shall be committed to the jail of the county until such fines and costs are paid.

Section 12. If a county attorney or deputy county attorney of any county or attorney general or assistant attorney general shall be notified by any officer, or other person, or shall have knowledge of any violation of any of the provisions of the laws of this state relating to intoxicating liquors, it shall be his duty forthwith diligently to inquire into the facts of such violation, and for that purpose he is hereby authorized to issue subpoenas for such persons as he shall have reason to believe have any information concerning, or knowledge of such violation, to appear before him, at a time and place to be designated in the subpoena, then and there to testify concerning any violation of any of the provisions of such laws; or said county attorney may file with some justice of the peace of the county a written statement, signed by such county attorney, deputy county attorney, attorney general or assistant attorney general, alleging any violation of the laws of this state relating to intoxicating liquors, and such justice of the peace shall then, upon the written praecipe of the county attorney, deputy county attorney, attorney general or assistant attorney general, issue a subpoena for the witnesses named in such praecipe, commanding such witnesses to be and appear before such justice of the peace, at a time designated in such subpoena, to testify concerning any violations of the provisions of said laws. Such subpoenas may be served by the sheriff or any constable of the county, or by any other person who is a citizen of the county, and shall be served and returned to such county attorney, deputy county attorney, attorney general or assistant attorney general, or the justice of the peace, in the same manner that subpoenas are served and returned when issued by justices of the peace. Each witness shall be sworn true answers to make to all questions propounded to him touching the matters under investigation, and the testimony of each witness shall be reduced to writing and signed by the witness. For the purpose of this Act, the county attorney, deputy county

attorney, attorney general or assistant attorney general are authorized and empowered to administer oaths and affirmations to such witnesses. Any disobedience to the subpoena of the county attorney, deputy county attorney, attorney general or assistant attorney general, or any refusal to be sworn as a witness, or to sign the testimony given by such witness, or any refusal to answer any proper question propounded by the county attorney, deputy county attorney, attorney general or assistant attorney general, shall be a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Refusal of subpoenaed witness to be sworn and answer questions a misdemeanor.

Penalty.

Justices of the peace, when acting under the provisions of this Act, shall have power to adjourn such proceedings from time to time, and to punish any witness for contempt for or on account of his refusal to be sworn or to answer questions as a witness, or to sign his testimony; and the attendance of witnesses may be by such justice of the peace compelled by attachment. If the testimony so taken shall disclose the fact that an offense has been committed, the county attorney, deputy county attorney, attorney general or assistant attorney general, shall prosecute the person or persons committing such offense, and may file such testimony together with his information against the person or persons having committed the offense, in some court of competent jurisdiction, and such testimony, together with the information of the county attorney, deputy county attorney, attorney general or assistant attorney general, when verified by him on information and belief, shall have the same effect as if such information had been verified positively, and thereupon a warrant shall be issued for the arrest of the person or persons named in the information as in other criminal cases.

Powers of justice of peace in proceedings.

Duty of public attorneys to prosecute when.

May use testimony taken at preliminary hearing.

Testimony of officer verified on information and belief, and effect thereof.

Section 13. Officers shall receive the same fees and mileage for serving subpoenas issued by county attorneys, deputy county attorneys, attorney general or assistant attorney general under the provisions of this Act, as provided in criminal cases, and witnesses shall receive the same fees for attendance as provided for witnesses in cases before justices of the peace. Such fees shall be certified to the board of county commissioners by the county attorney or attorney general and paid by the county as witness fees for attendance before a jus-

Fees and mileage.

Witnesses fees.

Witnesses to attend when without payment of fees in advance.

What not necessary to state in complaints, indictments and informations under this act.

Exceptions.

Persons to whom liquors were sold competent to testify.

Members, etc. of clubs and associations competent to testify.

Issuance of an internal special tax stamp to person shall be prima facie evidence of what.

Copies of U. S. revenue stamps, license or receipts prima facie evidence of what.

tice of the peace. All witnesses shall attend upon the county attorney, deputy county attorney, attorney general, or assistant attorney general in pursuance to their subpoenas without the payment of any fees in advance.

Section 14. In prosecutions under the laws of this State relating to intoxicating liquors, by complaint, indictment, or information, it shall not be necessary to state the kind of liquor manufactured, sold, exchanged, given away, bartered, or disposed of; and it shall not be necessary to describe the place where sold, exchanged, given away, bartered, or disposed of, except in prosecutions for keeping and maintaining a common nuisance, or when a lien is sought to be established against the premises where such liquors were manufactured, sold, exchanged, given away, bartered, or disposed of; and it shall not be necessary to state the name of the person to whom sold, exchanged, given away, bartered or disposed of; and in all cases the person or persons to whom such intoxicating liquor shall have been sold, exchanged, given away, bartered or disposed of, contrary to law, shall be competent witnesses to prove such fact or any other fact tending thereto; and the members, shareholders or associates in any club or association shall be competent witnesses to prove any violation of the laws of this state relating to intoxicating liquors, or any fact tending thereto.

Section 15. The issuance of an internal revenue special tax stamp, license or receipt by the United States to any person as a dealer in intoxicating liquor, shall be prima facie evidence of the sale of intoxicating liquor by such person at the place of business or such person where such stamp, license or receipt is posted, if, at the time, the stamp, license or receipt is in force and effect; a copy of such stamp, license or receipt or of the records of the United States Internal Revenue Officer, deputy or assistant, having charge of such records or stamps, which shows that the United States special liquor tax or license has been paid by any person charged with selling, exchanging, giving away, bartering, furnishing or otherwise disposing of intoxicating liquor in violation of any of the provisions of the laws of this state relating to intoxicating liquors, shall be prima facie evidence that the person whose name appears on said stamp, or license, as shown by said certified copy, has paid the special liquor tax or license for the time stated therein.

Section 16. In any action or proceeding under any of the laws of this state relating to the unlawful manufacture or disposition or possession of intoxicating liquor, no person shall be excused from testifying in any court, or before any grand jury, or before any county attorney, deputy county attorney, attorney general, assistant attorney general, or justice of the peace, on the ground that his testimony may incriminate him, but no person shall be prosecuted or punished on account of any transaction, matter or thing concerning which he shall be compelled to testify, nor shall such testimony be used against him in any prosecution for any crime or misdemeanor, under the laws of this state relating to intoxicating liquors.

No person shall be excused from testifying in such proceedings.

When persons shall be immune from prosecution under Act.

Section 17. Any officer whose duty it is to destroy liquors forfeited to the state, who shall dispose of such forfeited liquor in any other manner than is provided by this Act, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Officer disposing of forfeited liquors in manner other than provided.

A misdemeanor.

Penalty.

Section 18. No officer of this state, or of any county, township, city, or municipal corporation, shall either accept or receive, directly or indirectly, any property, money, or anything of value, either for himself or for another, or for the state, county, township, city, town, or municipal corporation, for or in consideration of any agreement or understanding, expressed or implied, of any kind, character or nature whatsoever, that any person shall be permitted to violate any provision of any of the laws of this state relating to intoxicating liquors, or shall, because of the payment or delivery of any such money, property, or anything of value, either by way of fine, license, permit, or otherwise, receive or secure immunity from arrest, prosecution or punishment therefor. Any such officer, elective or appointive, wilfully violating any provision of this section, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than ninety days nor more than five (5) years.

No public officer to receive thing of value for protection in the violation of any provisions of law relating to intoxicating liquors.

Nor secure immunity from arrest.

Officer wilfully violating Act to be deemed guilty of a felony.

Penalty.

Section 19. It shall be the duty of the county attorneys and deputy county attorneys, in their respective counties, diligently to attend all inquisitions held under the provisions of this Act and diligently to prosecute all

Duty of County Attorneys and their deputies to attend inquisitions and diligently prosecute all violations of this Act.

Duty to bring suits.	violations of the laws of this state relating to intoxicating liquors of which they may have or can obtain knowledge, and to bring all suits and actions for the recovery of fines, penalties, and forfeitures provided for by any provision of law; and any county attorney or deputy county attorney refusing, neglecting or failing to perform any duties required by the provisions of the laws of this state relating to intoxicating liquors may be removed from office as hereinafter provided.
Failure of County Attorney to perform duties required cause for removal from office.	Section 20. It shall be the duty of all sheriffs, deputy sheriffs, constables, mayors, marshals and police officers of any city or town, having notice or knowledge of the violation of any of the provisions of the laws of this state relating to intoxicating liquors, to notify the county attorney of the fact of any violation and to furnish him with the names of any persons within their knowledge by whom such violation can be proven. For the failure, refusal or neglect of official duty in the enforcement of the provisions of the laws of this state relating to intoxicating liquors, any of the city, township or county officers herein mentioned may be removed from office as hereinafter provided.
Duty of all peace officers to notify County Attorney of violations of liquor laws, and to furnish names of probable witnesses.	
Officer failing to perform duty may be removed from office.	Section 21. If any county attorney, deputy county attorney, sheriff, deputy sheriff, constable, mayor, marshal or police officer shall fail, neglect or refuse to do or perform any duty required by the provisions of the laws of this state relating to intoxicating liquors, he shall be removed from office as hereinafter provided; for the purpose of such removal a petition may be filed in the district court of such county wherein such officer resides, in the name of the state, on the relation by any citizen thereof, or upon the recommendation of a Grand Jury, or on the relation of the Board of County Commissioners, or of the Attorney General. Summons shall be issued and proceedings had therein to final judgment as in other civil cases. Provided, however, if an order is made suspending such officer from his office as hereinafter provided, he shall be entitled to demand and have trial within ten days, if the court be in session. If the court be not in session, then the accused shall be entitled to demand and have a trial within the first ten days of the next term. A change of Judge or a change of venue shall be allowed as in other civil cases. Pending the trial of such case application may be made by the relator therein, or by the attorney general, to any Judge of the Supreme Court, or of the District Court
Officers failing or neglecting to perform duties under Act to be removed from office.	
Proceedings for purpose of removing officer.	
When suspended from office may demand trial when.	
Change of judge or venue. Application pending trial for suspension of officer.	

wherein such case is pending, for an order suspending said officer from his office during the pendency of said suit, and after reasonable notice to said defendant of such application and an opportunity to show cause, if any there be, in opposition thereto, if it shall appear to the satisfaction of such judge that such officer has failed, neglected, or refused to perform the duties required of him by law, then it shall be the duty of such judge to enter an order suspending such officer from office until final trial of the case, and in such order said Judge shall appoint a proper person to hold office and perform all the duties thereof during the suspension. Appeal shall be allowed in any such case as in other civil cases.

Duty of judge to suspend officer until trial, when.

Appointment of another person to perform duties of office.

Section 22. It shall be unlawful for any person to whom any intoxicating liquor, the sale of which is prohibited by the laws of this state relating to intoxicating liquors, shall be consigned, whether consigned to him in his own name or in a fictitious name, to give any other person an order for any such liquor to any railroad company, express company or other common carrier, or to any officer, agent or employee of any railroad company, express company or common carrier, with the intention or for the purpose of enabling such other person to get or receive any of such liquor for himself, or for any other person than the consignee; any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00), or by imprisonment in the county jail for not more than sixty days or by both such fine and imprisonment.

Unlawful for person to whom liquor is shipped to give order to another person to receive consignment.

Violation of provisions a misdemeanor.

Penalty.

Section 23. Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver any intoxicating liquor to any person other than the person to whom such intoxicating liquor is consigned, without a written order in each instance of said consignee therefor, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) or by imprisonment in the county jail not more than ninety (90) days, or by both such fine and imprisonment.

Delivery of liquor by any employe of common carriers to other than the consignee without written order of consignee.

A misdemeanor.

Penalty.

Section 24. It shall be unlawful for any railroad company, express company, or other common carrier, or

Delivery of intoxicating liquor when consignee is a fictitious person, or name.

for their officers, agents, or employees to knowingly deliver any intoxicating liquors to any person whomsoever, where such intoxicating liquor has been consigned to a fictitious person or to a person under a fictitious name; and any officer, agent, or employee of such railroad company, express company, or other common carrier violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) and no more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail not more than sixty days (60) or both such fine and imprisonment.

Violation of section a misdemeanor.

Penalty.

Delivery of intoxicating liquors to any person to be sold, exchanged, etc., a misdemeanor.

Penalty.

Section 25. Any officer, agent or employee of any railroad company, express company or other common carrier, who shall knowingly carry or deliver any intoxicating liquor, the sale of which is prohibited by any of the provisions of any of the laws of this state relating to intoxicating liquors, to or for any person, to be sold, exchanged, given away, bartered or disposed of in violation of any of the provisions of the laws of this state relating to intoxicating liquors, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) or by imprisonment in the county jail not more than sixty days or by both such fine and imprisonment.

Common carriers to keep a separate book and enter the names therein of all consignees of intoxicating liquors, etc.

Such book to be prima facie evidence of what.

Failure or refusal of any employee of common carrier to comply with provisions.

Section 26. All express companies, railroad companies, and common carriers, within this state, are hereby required to keep a separate book in which shall be entered immediately upon receipt thereof, the name of the person to whom intoxicating liquors are shipped, the sale of which is prohibited by the laws of this state, the amount and kind received, the date when received, the date when delivered and by whom and to whom delivered; after which record shall be a blank space in which the consignee shall be required to sign his name before such liquors are delivered to him, which book shall be open to the inspection of any officer of this state, whether such officer be a state, county, township or municipal officer, at any time during business hours of the company. Such books shall constitute prima facie evidence of the facts therein stated, and be admissible evidence in any court of this state having jurisdiction or in any manner empowered with the enforcement of the laws of this state relating to intoxicating liquors; and any employee or agent of any Express Company, Railroad

Company or common carrier failing or refusing to comply with the provisions of this section, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail not to exceed one year or by both such fine and imprisonment.

Penalty.

Section 27. It shall be unlawful for any person to break open any original package or packages in which liquors are shipped, or for any express agent, freight agent, or employee thereof, or other employee of any Railroad Company or Express Company or other common carrier, to allow any original package or packages in which liquors are shipped, the sale of which is prohibited by the laws of this state, to be broken open or divided in any manner upon the premises of such company under the supervision of such agent or employee, and the violation of any provision of this section shall be a misdemeanor and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment.

Unlawful to open any original package in which liquors are shipped, or to divide same on premises of a common carrier.

Violation of provisions a misdemeanor.

Penalty.

Section 28. Every person using or selling alcohol for scientific or manufacturing purposes shall keep a record of all alcohol manufactured, purchased or received by him, and all alcohol used or sold by him, which record shall show the quantities and dates manufactured, or if purchased, the quantities and dates purchased, from whom purchased, and the dates received from such person, and shall also show the dates when the same was used and the quantities used, and if sold the dates when, the quantities and to whom sold, with the address of the purchaser and his business; and such record shall be open to inspection of any officer of this state, whether such officer be a state, county, township or municipal officer, at any time during the business hours of such person. Such books shall constitute prima facie evidence of the facts therein stated and be admissible evidence in any court of this state having jurisdiction or in any manner empowered with the enforcement of the laws of this state relating to intoxicating liquors. Any person failing, neglecting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five dollars (\$25.00) nor more than

Record to be kept by persons selling for scientific or manufacturing purposes.

Violation of Act a misdemeanor.

Penalty.

Three Hundred dollars (\$300.00) or by imprisonment in the county jail not exceeding six months, or both such fine and imprisonment.

Who may employ an attorney to assist in prosecuting accused people under any liquor laws of state.

The courts and prosecuting attorney shall recognize such attorney, and no prosecution shall be dismissed until when.

Right of damages in case of injury by an intoxicated person, against person furnishing the intoxicating liquor.

What proof shall be prima facie evidence that such liquor sold to intoxicated person at about that time caused the intoxication.

Only proof necessary when certain persons bring action.

Punishment upon second conviction of violation of any intoxicating liquor law.

Section 29. Any citizen or organization within this state may employ an attorney to assist the prosecuting attorney in any action or proceeding under any of the laws of this state relating to intoxicating liquors, and such attorney shall be recognized by such prosecuting attorney and the court as associate counsel in the case, and no prosecution shall be dismissed over the objection of such associate counsel until the reasons of such prosecuting attorney for such dismissal, together with the objections, if any of such associate counsel, shall have filed in writing, argued by counsel and fully considered by the Court.

Section 30. Every wife, child, parent, guardian, employer or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of intoxication of any person, shall have a right of action for all damages actually sustained, in his or her own name, against any person who shall, by selling, exchanging, giving away, bartering or disposing of intoxicating liquors contrary to the provisions of the laws of this state relating to intoxicating liquors, having caused intoxication of such person, and on the trial of any such suit proof that the defendant or defendants sold, exchanged, gave away, bartered or disposed of any such liquors to such intoxicated person on the day, or about the time and prior thereto, of such injury, shall be prima facie evidence that the liquor so sold, exchanged, given away, bartered or disposed of, caused such intoxication. In any action by a married woman, or other persons legally entitled to recover damages for loss of support, caused by such intoxication, it shall only be necessary to prove that the defendant has sold, exchanged, given away, bartered, or disposed of intoxicating liquors of any kind to such person during the period when such cause of action shall have accrued.

Section 31. Any person convicted for the second time of a violation of any of the provisions of the laws of this state relating to intoxicating liquors, shall be punished by fine of not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00) and by imprisonment not less than thirty (30) days in the county jail nor more than two (2) years in the state penitentiary.

Section 32. Any person violating any provision of the laws of this State relating to intoxicating liquors, who has theretofore been twice convicted for the violation of any of the provisions of such laws, shall be deemed guilty of being "An habitual violator of the laws of this state relating to intoxicating liquors," and shall be so charged in the indictment, or information, along with the violation of the law, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) and by imprisonment in the state penitentiary of this state for not less than one (1) year nor more than two (2) years.

Who shall be deemed "an habitual violator of the laws of this state relating to intoxicating liquors."

Penalty.

Section 33. The journal entry of judgment, or the docket or judgment roll, or other proper court record showing the former conviction of the defendant within the state of Montana, shall be prima facie evidence of a former conviction of the defendant.

What shall be prima facie evidence of former conviction.

Section 34. Whenever a violation of any provision of this Act is made a misdemeanor and the punishment is not prescribed, such punishment shall be a fine of not less than ten dollars (\$10.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment not more than six (6) months or by both such fine and imprisonment.

Punishment of misdemeanors under Act where penalty not prescribed.

Section 35. Whenever the words "this Act" appear in any of the laws of this state enacted for the suppression of the liquor traffic, commonly called prohibition laws, they shall be construed to mean and include all such prohibition laws of this state.

Construction of the words "This Act."

Section 36. The proceeds of all fines, penalties and forfeitures recovered under the provisions of the laws of this state relating to intoxicating liquors, shall be paid into the county treasury for the benefit of the common school fund.

Disposition of all fines, penalties and forfeitures.

Section 37. The district courts shall have original jurisdiction in all criminal actions for violations of the provisions of this Act, and in all civil actions for the recovery or enforcement of fines, penalties and forfeitures provided for in this Act, and all such actions, both criminal and civil, shall be instituted, prosecuted and tried in the district court.

Jurisdiction of the District Court.

Section 38. Nothing herein contained shall amend or repeal or conflict with any of the provisions of the law relating to the introduction, sale and use of intoxicating liquors, adopted by the vote of the people of the State

This Act shall not amend, repeal or conflict with any of what laws.

of Montana at the last general election, and nothing in this Act shall apply to the manufacture or sale of denatured alcohol, nor to wine intended for sacramental purposes, nor to alcohol intended for scientific or manufacturing purposes, except such provisions hereof as may amend same or add thereto.

Section 39. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act shall
be of force and
effect.

Section 40. This Act shall be in full force and effect on and after December 31st, 1918.

Approved March 5, 1917.

CHAPTER 144.

“An Act Providing for the Punishment of Persons Guilty of Disturbance of the Peace Upon Any Railway Train or Car in the State of Montana, Providing Penalties for the Violation Thereof and Conferring Police Powers Upon Railway Conductors in Connection With the Purposes of This Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Disturbing the
peace upon a
passenger car.

Section 1. Any person or persons who shall upon any Railway Train or any car used for the conveyance of passengers, disturb the peace and quiet of any of the passengers upon any such railway train or car by loud and tumultuous noises or by offensive conduct, or by using profane, vulgar or obscene language or who shall commit an assault upon the person of another, shall upon conviction thereof, be fined in a sum not less than twenty-five, nor more than three hundred Dollars or by imprisonment in the county jail for not less than ten or more than ninety days.

Penalty.

Conductors
vested with
police power.

Section 2. Police power is conferred hereby upon every Conductor of a Railroad Company while engaged in operating any passenger train or car lines of railway in the State of Montana and it shall be the duty of every conductor while upon duty upon any train or car used for the conveyance of passengers, to arrest any person who shall in his presence or to his knowledge, be guilty of a disturbance of the peace of other passengers upon such train or car, or who shall commit any assault upon another or who uses profane, obscene or vulgar language in the presence of women and children, or who conducts himself in a riotous or boisterous manner, and to de-

Duty to make
arrests when
and where.

liver him or them to a policeman, constable or other peace officer at any station where such officer may be found, and it shall be the duty of such officer to make complaint against such person and a complaint made upon information and belief of such officer, shall be sufficient.

To deliver prisoner to whom and where.

Duty of officer to make complaint.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 145.

“An Act to Provide for the Organization of Special Road Districts in the Several Counties of the State, to Provide for the Election and Appointment of Directors, and Other Officers for Special Road Districts, Prescribing Their Duties and Regulating the Government Thereof, and to Provide for the Levy of Taxes in Special Road Districts and the Disbursements of the Special Road District Fund.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every Special Road District No. hereinafter organized and formed as herein provided, is hereby declared to be a corporate body, by the name and style of Special Road District of the County of, and State of Montana, and in that name may hold property, sue and be sued and make contracts. But nothing in this Act shall be deemed or construed to extend to any special road district the right, power or authority to issue bonds for any purpose whatsoever. The purpose of such Road Districts is to provide for the proper care, supervision and maintenance of existing public highways within such Road Districts, it being the intention of this Act that County Commissioners and County Surveyors or special Deputy County Surveyors, as herein provided, shall continue to have and exercise the authority now provided by law for them, in laying out, establishing and constructing new roads and bridges and repairing such existing roads and bridges in the county, as the County Commissioners may at any time by resolution, determine; provided, however, that the County Commissioners of the County, shall appoint a Special Deputy County Surveyor to do the work of

Special Road districts to be corporate bodies; name and style.

Shall not have power to issue bonds.

Purpose of such districts.

Powers and duties of certain officers to continue.

County Commissioners to appoint a special county surveyor when.

Copy of resolution to be sent to Secretary of District.

County Bridges and District Bridges defined, and constructed by whom.

Supervision, repair and maintenance to be a charge on the Special Road District.

When they shall be at expense of the county.

Commissioners may designate the County Supervisors "The County Supervisor of Roads and Bridges," when.

Shall have general supervision over what.

To act as General Road Advisor to whom.

Compensation of County and Deputy County Surveyor.

Director of special road districts to be elected when.

Term of office.

Qualifications.

Officers of Board.

the County Surveyor in all cases where the work can be done more economically and efficiently by said Deputy. A copy of any such resolution by said Commissioners, when passed, shall be by them sent to the Secretaries of the Districts through which such new road or road repairs may extend. Bridges over twelve feet in length shall be known as "County Bridges" and be constructed by the County. Bridges twelve feet and under shall be known as "District Bridges" and be constructed by the Special Road District wherein the same is located, provided that nothing in this Act shall be construed to exempt any ditch company or owner from the duty of construction or maintenance of any bridges as now provided by law. Except as herein limited, all supervision, repair and maintenance of roads and highways shall be done by and be a charge upon the Special Road Districts; provided that when the County Surveyor, or Special County Surveyor, as provided in this Section, may estimate any repair or construction work on any bridge or road to exceed three hundred (\$300.00) dollars per mile in cost in any one year, such repair or construction shall be a charge upon the county.

Section 2. Upon the organization of a County into Road Districts under the provisions of this Act, the County Commissioners may designate the County Surveyor, or Special Deputy County Surveyor, as provided in this Act, as the County Superintendent of Roads and Bridges, who shall have general supervision over road supervisions and over the construction and maintenance of County Bridges and over such roads as the County Commissioners may direct, and upon the request therefrom, he shall act as General Road Advisor to the District Directors and Road Supervisors hereinafter mentioned. The County Surveyor, or Special Deputy County Surveyor, as herein provided, shall receive such compensation as now fixed by law, and when any work is performed in a Special Road District he shall be paid out of the Special Road District Fund.

Section 3. There shall be elected in each Road District created under the provisions of this Act, at the next general election, a board of directors, consisting of three members, to hold office a term of two years or until their successors are elected and qualified. Said Directors shall be freeholders and taxpayers within their Districts and shall be actual residents therein. The said

Board of Directors shall, from their own number, elect a President, Secretary and Treasurer of said Road District and said Board of Directors shall have power to fill any vacancy occurring in said Board, by appointment, such appointments to continue only until the next election of Directors, when such vacancy shall be filled by election. Before entering upon his duties the Treasurer shall give a bond to his District in the sum of Five Hundred (\$500.00) Dollars, with good and sufficient sureties to be approved by the President and Secretary of said District, and conditioned for the faithful performance of his duties as such Treasurer, and to secure all moneys that may come into his hands as such Treasurer; after approval, such bond to be filed with the County Clerk.

Vacancies.

Bond of Treasurer.

Section 4. If a county is not divided into Special Road Districts as provided for in Sections 3 and 4 of this Act, the registered voters of any voting precinct or precincts of any county in the State desiring to establish a Special Road District under this Act may do so by first filing with the Board of County Commissioners a petition duly and regularly signed by 51% of the registered electors of the proposed district praying for the organization of a Special Road District, conforming to the boundary lines of one or more voting precincts of said County. It shall be the duty of the Board of County Commissioners to receive said petition and set the same for hearing at a date not less than ten (10) nor more than twenty (20) days from date of presentation thereof. Said Commissioners shall give notice of hearing by publishing said notice in at least one newspaper of general circulation published in said County.

Creation of special road districts when county not so divided.

Petition for creation of district.
Duty of commissioners to receive petition and set a time for hearing same.

Notice of hearing.

Section 5. The hearing provided in the preceding Section shall be limited in its scope to the consideration of the regularity and sufficiency of the petition as herein provided. Upon the determination of the said Board of County Commissioners that the petition is sufficient, it shall be the duty of said Commissioners to immediately establish the proposed Special Road District as provided for in the petition, by making an order and entering same on the minutes of the Commissioners' proceedings, defining the boundary lines of said established Special Road District, and appoint a Board of three Directors to serve until the next general election.

Scope of hearing on petition.

When District shall be created on hearing.

Order to include what.

Section 6. Within the limits of the Special Road Districts, the said Board of Directors shall have all the

Powers and authority of Board of Directors.

May appoint and discharge a Road Supervisor.	powers heretofore granted by law to Road Supervisors, and shall have full authority over and are hereby charged with the duty of the general repair and maintenance of all roads and public highways and all bridges of twelve feet in length and under, within their districts, and they shall keep same in a state of proper repair and safety for public travel thereover. The said Board of Directors shall have authority to appoint a Road Supervisor, who may be discharged by said Board of Directors with or without cause, to oversee and superintend the actual construction and repair work authorized by the Board of Directors of said District, and said Board shall have authority to borrow from, and the County Commissioners shall when practicable, loan to said Districts any road graders or other necessary road machinery belonging to said County for not to exceed sixty days at one time, said machinery when so borrowed shall be by said District returned to some convenient place to be designated by the County Commissioners. All Special Road Districts borrowing tools or equipment from the County shall return the same in as good condition as when received, ordinary wear excepted and any repairs necessary to place same in condition shall be paid for by the District borrowing same.
May borrow road machinery from county.	
Duty to return machinery in good condition.	
May enter into contracts, for what.	Section 7. That said Board of Directors shall have the further power and authority to enter into contracts for purchase of materials and supplies, necessary for the construction, maintenance, operation and repair of roads, highways, and bridges as heretofore limited, within the limits of its district. They may employ and discharge such laborers, overseers, foremen, employees, or other persons, as they may deem necessary in carrying out the proper performance of their duties under this Act.
May employ whom.	
Road tax may be levied by county commissioners, when.	Section 8. The Board of County Commissioners of any County where Special Road Districts under the provisions of this Act are organized, may levy a tax of general road purposes of not to exceed two mills on each dollar of assessed valuation in said Special Road District and in addition to such two mill levy shall levy a tax of not to exceed five mills on each dollar of assessed valuation, if such levy shall be requested by the Directors of the Special District in writing on or before the 10th day of August in each year. The said tax shall be levied and collected, as provided by law, each year. Nothing in this Section shall apply to incorporated city or town
Limit to levy.	
Special Road District levy.	
Section not to apply to incorporated cities.	

which by ordinance provides for the levy and collection of a like general or special tax within such cities or towns for road, street and alley purposes.

Section 9. It shall be the duty of the County Assessor in each County where Special Road Districts have been created, to make report to the Board of Directors of Special Road Districts, on or before the first day of August in each year, giving the assessed valuation of the several Special Road Districts for that year.

Duty of County Assessor to report to Board of Directors.

Section 10. The County Treasurer shall keep each of said funds so collected in a separate fund for each District each entitled; "Road Fund of Special Road District No.....of the County.....and State of Montana," and whenever sums are so collected and placed in each of said respective funds shall be used in the creation, maintenance, operation and repair of the public highways and bridges, within the limits of such District, and not otherwise or in any other Road District. It shall be the duty of the County Treasurer to make report in writing on or before the first day of each month to the Board of Directors of the Special Road District, the amount of money to the credit of said fund, together with a list of all warrants paid during the preceding month.

County Treasurer shall keep money in separate funds.

Funds to be used for what purposes.

Monthly reports of County Treasurer to Board of Directors.

Section 11. The County Treasurer shall pay out money from said fund upon the written warrant of the President of the Board of Directors of said Road District, countersigned and attested by the Secretary thereof, which said warrants shall be drawn after verified bills have been regularly allowed at regular monthly meetings as hereinafter provided for. All bills allowed against the said District shall be kept on file by the Treasurer of the District, and each bill shall be numbered in consecutive order and a duplicate of such number shall appear upon the face of the warrant issued in payment thereof. At the regular June and December meetings of the Board of County Commissioners the Treasurer of said District shall forward the bills allowed during the previous six months to the County Treasurer who shall check them with the paid warrants of said District and report to the Board of Commissioners at such meetings result of said checkings, thereafter such bills shall be retained in the office of the County Treasurer.

Funds to be paid out upon what warrants.

File of accounts allowed, and bills numbered.

Bills allowed and paid to be forwarded to County Treasurer, when.

Section 12. Every able bodied man between the ages of twenty-one and fifty years, shall annually pay to the

Special road tax to be paid to Treasurer of District.

Treasurer of the Board of Directors of his Road District wherein he resides, and it shall be the duty of the said Treasurer to collect a Special Road Tax of two (\$2.00) dollars, or in lieu of such sum every man shall labor one day of eight hours, or four hours' work with a team upon the public highways of his road district, under the direction of the road supervisor of his Road District whenever given not less than forty-eight hours' notice by the Secretary of the Board of Directors. The District Treasurer shall pay all moneys received by him in payment of said Special Road Tax, monthly to the County Treasurer to be placed by him in the Special Road Tax Fund. Said District Treasurer shall be paid a commission of ten per cent on all moneys so collected by him under the provisions of this Section, to be paid in the same manner as other charges against said Special Road District. It is hereby made the duty of the District Treasurer to proceed to collect said Special Road Tax as herein provided, as soon as possible beginning the first day of March in every year. The District Treasurer shall on or before the fifteenth day of August in each year, make report in writing to the County Treasurer of the names of all persons who have paid their special road tax in cash, and a list of those who have performed labor in lieu thereof. The County Treasurer shall credit all persons whose names appear on the assessment roll of the county and are charged with the Special Road Tax of two (\$2.00) dollars, who may own real property, with the amount so reported paid by the District Treasurer. Nothing in this Section shall apply to incorporated cities and towns which by ordinance provide for the levy and collection of a like Special Road Tax within such cities and towns for road, street and alley purposes.

Section 13. The regular election for the electing of members of the Board of Directors shall be held in such District at the same time and place each year as provided by law for the election of school trustees in School Districts in the State of Montana. The Secretary of such Board shall cause written or printed notice to be posted at six different and public places in said Special Road District, specifying the date and place of such election and the time during which the ballot box or boxes shall be opened, not less than four hours, however, at each election. Said notices shall be posted in at least three conspicuous and public places as aforesaid in such District and whenever a newspaper published within ten

Labor may be performed in lieu of special road tax.

District treasurer to pay all money collected into county treasurer.

Compensation of District Treasurer.

Duty of District Treasurer to collect tax.

August report to County Treasurer.

Credit to be given.

Section not to apply to incorporated cities and towns, when.

Road directors elections to be held at school trustees election. Notice of election.

Posting of notice.

To be published when.

miles of such Road District, it shall be the duty of the President and Secretary of said Board to cause a notice to be published therein at least once, ten days previous to said election, giving notice of such election, and if the said officers of said District fail to give such notice required by this Act, then any two legal voters in and being freeholders there, may give such notice over their names and signatures, whereupon said election may be held at the date fixed by this Act for said election. If any Special Road District consist of more than one School District, then the Board of Directors shall preside in like manner for a polling place in each such school district.

Who may give notice when officers fail.

Where more than one school district is embraced in a Special Road District.

Qualification of electors.

Section 14. Every elector, a taxpayer, who is legally qualified to vote at any general election, who is a bona fide resident and taxpayer, as aforesaid, of the Road District for thirty days preceding the day of election shall be entitled to vote. Any person offering to vote may be challenged by any legal and qualified elector of the District or by any judge of election, and any judge of such election shall, to determine the qualifications of a voter administer to the person challenged, an oath as follows:

Challenges of electors.

"You do swear (or affirm) that you are a citizen of the United States; that you have resided in this State for the period of one year, or over, preceding this election; that you are over the age of twenty-one years; that you have resided in this County thirty days, and that you are a taxpayer and resided in this Road District thirty days next preceding this election; that you have not voted at this election, so help you God (or under the pains and penalties of perjury.)"

Oath to be administered to challenged elector.

Section 15. If any person challenged shall refuse to take said oath his vote shall be rejected; and if any person shall be guilty of voting illegally, he shall be punished as provided in the general election laws of this State. The three members of the Board of Directors of the Road District shall act as judge of election but should any of them be absent for any cause, at the time of opening of the polls, the electors present thereat shall appoint a legal voter to fill such vacancy.

Vote to be rejected when.

Illegal voting.

Judges of election.

If more than one polling place be provided in said Road District, the Directors shall appoint three Judges of election who shall perform the duties required by law.

When vote to be canvassed.

Section 16. Immediately after the closing of the polls the said Judge shall proceed to count the ballots, and the person or persons qualified to be elected under this

Who declared elected.

Report of election to be made to and by whom.

In case of tie vote.

Election by lot. Disposition of ballots after election.

When highway marks boundary between districts; duty of County Commissioners.

Appeal to District Court.

Compensation of Directors of district.

County Commissioners may appoint directors of road district as road reviewers, when.

Compensation.

Regular monthly meetings of Directors.

Special meetings.

Funds which may be set aside for use of district before taxes are collected.

Act, who shall receive the largest number of votes, shall be declared elected, and the report of said election, signed by said Judges, shall forthwith be transmitted to the County Clerk and Recorder of the County where such election is held, to be presented to the Board of County Commissioners for action and hearing as to the regularity of the election so held, and to be confirmed by said County Commissioners. If upon counting the votes there shall be a tie vote, the two persons having received such tie vote shall meet within twenty-four hours before the Board of Directors of such Road District and one of such persons shall be elected by lot. All ballots shall be carefully preserved and after said count, shall be placed in the ballot boxes and said ballots shall be preserved by the Secretary of Road District for ninety days, at the end of which time, if there is no contest, all such ballots shall be destroyed.

Section 17. In such Road Districts where a public road or highway shall be the boundary line between contiguous road districts, the Board of County Commissioners shall at the time of fixing the boundaries thereof, divide such boundary road and shall provide what part of said road shall fall within the jurisdiction of each of said Districts and such decision may be appealed from to the District Court whose decision shall be final therein.

Section 18. The members of the Board of Directors of such Road Districts shall be entitled to no fee or compensation for acting as such Directors, except a fee of two (\$2.00) dollars for each meeting of the Board actually attended. They shall also be entitled to receive the same compensation as Judges of election as provided by law.

Whenever the Board of Commissioners require a road to be viewed in any manner required by law they may appoint as road reviewers the Directors of the Road District in which the road may be situated, such Directors when acting as road viewers shall receive as compensation the sum of three (\$3.00) dollars per day to be paid out of the general road funds of the County.

Section 19. Regular meetings of the Boards of Directors shall be held on the first Monday of each month for the consideration and transaction of necessary business. Special meetings of the Boards of Directors may be called at any time by the President thereof.

Section 20. In order to provide the several Road Districts organized under the provisions of this Act with

funds for the purpose of maintaining the roads and bridges therein and until such time as they may be able to levy and collect tax for such purpose, the County Commissioners shall set aside and place to the credit of each District, fifty per cent of the amount of taxes collected in such Districts for road and bridge purposes.

Section 21. The County Commissioners shall have the sole and exclusive power to open and establish new roads in manner as now provided by law. Said roads when so opened, established and constructed shall be maintained at the expense of said Road District, and shall thereafter be within the exclusive jurisdiction of said Road District and the Board of Directors thereof, as herein provided.

Power of County Commissioners regarding new roads.

How maintained after opening.

Exclusive jurisdiction of Special Road District.

Intent of Act.

Section 22. The provisions of this Act are intended to enable Special Road Districts to be created when desired, but shall not be construed to repeal in any manner, any laws, except so far as they affect the Special Road District when created, all provisions of the Road Laws of Montana are to apply to Special Road Districts, except as in this Act otherwise provided.

Section 23. Whenever any County has been divided into Special Road Districts, as herein provided, when twenty per cent (20%) of the registered electors of the County shall, at least 30 days before any regular school election, petition the Board of County Commissioners for the abolishment of the Special Road District, and expressing a desire to be governed by the provisions of the General Road District Law, the Board of Commissioners shall require the question to be submitted at the next special road district election, and if a majority of the qualified electors voting at such election vote in favor of the abolishment of Special Road Districts, the Board of Commissioners shall by resolution declare such Special Road Districts to be general road districts, and all directors or other officers shall cease to exercise public duties or to have any control of roads or highways, except as directed by the Board of County Commissioners.

Abolition of Special Road Districts.

Petition for.

Question to be submitted.

Section 24. No monies collected under the provisions of this Act shall be expended upon the streets, avenues or alleys of any incorporated city or town situate within such Special Road District.

Monies collected under Act not to be expended where.

Section 25. That all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Section 26. This Act shall take effect sixty days from and after its passage and approval.

When Act to take effect.

Approved March 7, 1917.

CHAPTER 146.

"An Act to Permit an Application for a State Farm Loan Being Made and Considered and a Certificate Being Furnished Pending the Final Breaking, Clearing or Improvement of the Land Upon Which the Loan is Sought."

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Land Commissioners to adopt rules and regulations regarding loans pending the breaking and clearing or improving of lands.

Section 1. It shall be the duty of the State Board of Land Commissioners, in the discharge of the duties imposed upon them in connection with the investment of state permanent common school funds and all other state educational, charitable and penal institution funds, in first mortgages on good improved farm land in the state, to provide by rules and regulations for the applications for farm loans upon improved farm lands pending the final breaking, clearing or improving of such lands.

Application and investigation when lands not improved as contemplated.

Section 2. Upon an application being made for a loan upon lands not yet improved as contemplated, the Board shall cause an investigation to be made of said lands, similar in character to an investigation of improved farm lands, with such additional information as they may require, and when such application, together with the investigation thereof, shall have been considered by the State Board of Land Commissioners, if it shall be acted upon favorably the said Board shall issue a certificate to such applicant in such form as their rules and regulations may prescribe, which certificate shall operate to entitle the owner of the land to the loan applied for when such land shall have been finally broken, cleared or improved in such manner as to bring the same within that character of lands upon which farm loans of the state funds are authorized.

When certificate entitling owner to loan upon improving land shall be issued.

How Act to be construed.

Section 3. Nothing herein shall be construed as authorizing the loaning of such funds on other than improved farm lands, or otherwise than as a first lien upon such lands.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1917.

CHAPTER 147.

"An Act to Amend Sections 24, 25, 26, 27, 28, 30, 31, 33, 34, 39, 40, 42, 45, and to re-enact Sections 23, 29, 32, 35, 36, 37, 38, 41, 43, 44 and to Repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 46 of Chapter 93 and to Repeal Chapter 71, of the Laws, Resolutions, and Memorials of the State of Montana Passed by the Fourteenth Session of the Legislative Assembly, and to Add a New Section Providing for the Continuation of All Bonds, Licenses, and Receipts Given, or Issued Pursuant to the Provisions of said Chapter."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 23 of said Chapter 93 of the laws of the Fourteenth Legislative Assembly be re-enacted and read as follows:

Section 23, Ch. 93, Laws 1915 amended.

Section 23. The word "warehouse" where ever used in this Act, shall be held to mean any grain elevator, warehouse, flour mill, or other building in which grain is stored, or handled with a view of shipping therefrom in carload lots, or used for milling grain. The term "Public Warehouse" where ever used in this Act, shall be held to mean any warehouse in which grain is stored in such manner that the grain of various owners is mixed together and the identity of the different lots or parcels not preserved.

Word "Warehouse" defined.

Term "Public Warehouse" defined.

Section 2. That Section 24 of said Chapter 93 be amended so as to read as follows:

Section 24 of said chapter amended.

Section 24. Each person, firm, association, or corporation engaged in the business of buying grain for shipment in carload lots, or for milling, shall be required to be licensed by the Commissioner of Agriculture and Publicity, and all such grain buyers shall be classified as follows: those operating warehouses (not public warehouses) to be known as grain dealers, and to be licensed as such; those operating public warehouses to be known as public warehousemen, and to be licensed as such; those operating neither warehouse nor public warehouse to be known as track-buyers, and licensed as such.

License required of buyers of grain for shipment or milling.

Classification of buyers.
Grain dealers.
Warehouseman.

Track buyers.

Section 3. That Section 25 of said Chapter 93 be amended so as to read as follows:

Section 25 amended.

Section 25. Before any license may be issued application shall be made to the Commissioner of Agriculture and Publicity in writing, setting forth the name and address of the applicant, the name and address of each

Application before license issued to be made to commissioner of agriculture and publicity.

Contents of application.

person interested in the ownership or management of the business (if a corporation, the name and address of the president and secretary only shall be required), the address of the main office or headquarters of applicant, the form of license desired, the location and capacity of each warehouse or public warehouse operated by applicant, whether owned or leased by applicant, and such other information as may be required by the rules and regulations of the Commissioner of Agriculture and Publicity.

Section 20 amended.

Section 4. That Section 26 of said Chapter 93 be amended so as to read as follows:

License to be issued by commissioner of agriculture and publicity.

Section 26. It shall be the duty of the Commissioner of Agriculture and Publicity to issue licenses upon receipt of application in proper form, one grain dealer's license for each warehouse for which application is made; one public warehouseman's license for each public warehouse for which application is made and bond filed, as hereinafter provided for; one track buyer's license upon each application, when bond is filed as hereinafter provided for. All licenses shall give authority to carry on and conduct the business of grain dealer, public warehouseman, or track buyer, as the case may be, in accordance with the laws of the State, and shall be revocable by the Commissioner of Agriculture and Publicity, after approval of his decision by the Attorney General, upon complaint being made in writing, setting forth the particular violation of the law, and upon due notice and hearing and sufficient proof. Violations of this Act, or of the laws of the State, or of the rules and regulations of the Commissioner of Agriculture and Publicity, will be considered sufficient cause for revoking of licenses. The Commissioner of Agriculture and Publicity may refuse to issue licenses to any person or concern whose licenses have once been revoked.

One grain dealers', or a public warehouseman's license for each warehouse.

Track Buyer's license.

Authority given by each license.

License revocable when.

Issue new license when.

Section 27 amended.

Section 5. That Section 27 of said Chapter 93 be amended so as to read as follows:

Bond of applicant for public warehouseman's license.

Section 27. Before receiving a public warehouseman's license each applicant shall file with the Secretary of State a bond or undertaking duly executed by any Indemnity or Trust Company lawfully authorized to transact business in the State of Montana, or a bond executed by such public warehouseman together with not less than three individual sureties, each of whom shall qualify in the manner and the amounts prescribed by Section 385 of the Revised Codes of Montana, 1907, to

the State of Montana for the benefit of all parties interested; in the penal sum of not less than ten thousand dollars nor more than one hundred thousand dollars, in the discretion of the Commissioner of Agriculture and Publicity, conditioned upon a faithful performance of all duties as a public warehouseman and full compliance with the laws of Montana enacted in relation thereto; provided that when application is made for more than one license for public warehouses operated by the same concern, but one bond shall be required. A fee of one dollar shall be paid to the Secretary of State for filing each bond, such bond, when executed with individual sureties, shall be approved by the Commissioner of Agriculture and Publicity.

Amount of bond.

Condition of bond.

But one bond required when.

Fee for filing bond.

Approval of bond.

Section 6. That Section 28 of said Chapter 93 be amended so as to read as follows:

Section 28 amended.

Section 28. Before receiving a track buyer's license each applicant shall file with the Secretary of State a bond to the State of Montana for the benefit of all parties interested, with sureties to be approved by the Commissioner of Agriculture and Publicity, in the penal sum of ten thousand dollars, conditioned upon the faithful performance of all duties as a track buyer and full compliance with all the laws of Montana enacted or to be enacted in relation thereto. A fee of one dollar shall be paid to the Secretary of State for the filing of each bond.

Bond of applicant for Track Buyer's license.

Penal sum of bond and condition.

Fee for filing.

Section 7. That Section 29 of said Chapter 93 be re-enacted and read as follows:

Section 29 amended.

Section 29. Any person who shall transact the business of grain dealer, public warehouseman, or track buyer, without first procuring license as hereinbefore provided, or who shall continue to transact any such business after such license has been revoked (save only that public warehousemen shall be permitted to deliver property previously stored) shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than twenty-five dollars nor more than one hundred dollars. Each day that any such business is carried on without a license shall constitute a separate offense.

A misdemeanor to transact business without a license.

Penalty.

Section 8. That Section 30 of said Chapter 93 be amended so as to read as follows:

Section 30 amended.

Section 30. It shall be the duty of every public warehouseman to receive for storage any grain, dry and suitable for warehousing, that may be tendered to him in the usual course of such business, not making any discrimina-

Duty of Public Warehouseman to receive grain.

When capacity
insufficient.

tion in the persons desiring to avail themselves of storage facilities. No public warehouseman shall be required to receive grain for storage in any warehouse where there is not sufficient room to store it properly, or in case where such warehouse is necessarily closed.

Section 31
amended.

Section 9. That Section 31 of said Chapter 93 be amended so as to read as follows:

Storage receipts;
duty of Public
Warehouseman
to issue.

Section 31. It shall be the duty of each public warehouseman to issue to the owner of the grain, or to his order, a storage receipt for each lot of grain received in to store by him. Storage receipts shall be consecutively numbered in such manner that no two receipts bearing the same number shall be issued from one warehouse in the same year, except in the case of a lost or destroyed receipt, when a duplicate may be issued bearing the same date and number as the original and plainly marked

Numbering
receipts.

"Duplicate." Each storage receipt shall bear date corresponding with the date of the receipt of the grain for storage; shall show on its face the kind and grade of grain received and that it has been stored with grain of the same kind and grade; shall bear the name of the concern issuing it and the place of issue (with headquarters or main office, if elsewhere); the name of the person grading and weighing the grain; the weight in pounds, gross, tare, and net; the gross bushels; the dockage (if any); and the net bushels and that a similar quantity and grade of grain shall be deliverable upon the return of the storage receipt properly endorsed by the person to whose order it was issued, and the payment of the proper charges for storage and handling. Storage receipts shall indicate that stored grain is insured for the benefit of the owner and shall show the rates of storage provided for in this Act. Storage receipts must be in such form as may be prescribed by the Commissioner of Agriculture and Publicity. No public warehouseman shall insert in any storage receipt any language limiting or modifying his liabilities or responsibilities, as imposed by law.

When duplicates
may be issued.

What receipts
shall show and
the contents
thereof.

Shall indicate
that the grain is
insured.

Form to be what.

shall not limit
any liability im-
posed by law.

Section 32 Re-
enacted.

Section 10. That Section 32 of said Chapter 93 be re-enacted and read as follows:

Grain to be de-
livered when.

Section 32. On the return and surrender of any storage receipts and payment of lawful charges, the grain represented therein shall be immediately deliverable to the owner or his order and the storage receipt shall be marked "Cancelled" upon its face, and the grain shall not be subject to any further charges for storage after

Receipts to be
cancelled.
Grain not subject
to further
charges after de-
mand for deliv-
ery.

demand for delivery shall have been made and facilities for receiving the same have been provided. If not delivered within twenty-four hours after such demand, the public warehouseman shall be liable to the owner for all damages occasioned thereby; provided, that if he shall deliver to different owners in the order demanded and as rapidly as it can be done by ordinary diligence, he shall not be held in default.

Liability of public warehouseman when grain not delivered within 24 hours.

Order of delivery.

Section 11. That Section 33 of said Chapter 93 be amended so as to read as follows:

Section 33 amended.

Section 33. Public warehousemen shall keep records of each lot of grain received in to store, of each receipt issued, and each receipt cancelled by the delivery or purchase of the grain. Such records shall be in such form as may be prescribed by the Commissioner of Agriculture and Publicity. Public warehousemen shall make reports (under oath) to the Commissioner of Agriculture and Publicity whenever requested to do so, of the amount of grain received into store and delivered from store and in what manner delivered, and any other information that may be demanded of them relating to the storage of grain; and shall permit the examination of all books, records, and warehouses by any duly authorized officer or employee of the State at any time during business hours.

Records to be kept by Public Warehousemen.

Form of records.

Reports of Public Warehousemen to be made, when.

Books and records subject to examination.

Section 12. That Section 34 of said Chapter 93 be amended so as to read as follows:

Section 34 amended.

Section 34. Stored grain may be delivered, in car-load lots, at the option of the owner, at any terminal elevator, upon the payment of the necessary charges for freight and other charges provided for in this Act.

Delivery in car-load lots at terminal elevators, when.

Section 13. That Section 35 of said Chapter 93 be re-enacted and read as follows:

Section 35 re-enacted.

Section 35. The delivery of grain to any public warehouseman for storage, although it may be mixed with that of others, or shipped or removed from the original place of storage, shall be deemed a bailment, and not a sale.

What delivery of grain deemed a bailment.

Section 14. That Section 36 of said Chapter 93 be re-enacted and read as follows:

Section 36 re-enacted.

Section 36. The charges for storage of grain except flax, in public warehouses shall not exceed the following rates: for receiving, elevating, insuring and delivering and the first fifteen days' storage, or part thereof, two cents per bushel; for storage thereafter one-half cent for each fifteen days' storage, or part thereof, until it shall

Storage charges.

For flax, have been in store ninety days, and thereafter one-half cent for each twenty days, or part thereof. For flax, the charges for the first fifteen days, or part thereof, shall be three cents per bushel, and thereafter the same as on grain.

Section 37 re-enacted. Section 15. That Section 37 of said Chapter 93 be re-enacted and read as follows:

Liability of Public Warehouseman for fire and heating. Section 37. Public warehousemen shall be held responsible for any loss or damage to grain by fire while in their custody, and for loss by heating unless it is proven that such loss or damage by heating was not caused by any lack of care on the part of such warehouseman, his servants or agent. Any public warehouseman guilty of

Other liabilities. any act or neglect the effect of which is to depreciate any property in his custody, shall be held responsible therefor to the person damaged thereby, and the bond of such public warehouseman shall be held for all damages so occasioned.

Section 38 re-enacted. Section 16. That Section 38 of said Chapter 93 be re-enacted and read as follows:

Using false or other prohibited weights or measures. Section 38. Any person, firm, public warehouseman, corporation or officer or employee thereof, or any public officer who shall use any false weights or measures, or any weights, measures, or measuring device, or scales, not tested and sealed by the State Sealer of Weights and Measures, as required by law, or who shall give or return any fraudulent or false weights or measures of any grain, wagon, car, or other vehicle in which such grain is or has been weighed, or of any container of grain, or who shall take more dockage on any lot of grain than the amount that actually exists in such lot of grain, or who shall take dockage on any other grains than those

Exacting excessive dockage. on which dockage is taken at the terminal markets in the State of Minnesota, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) or more than three hundred dollars (\$300.00), or by imprisonment in the county jail for not less than sixty (60) days, or more than one (1) year, or both such fine and imprisonment.

Misdemeanor. Section 17. That Section 39 of said Chapter 93 be amended so as to read as follows:

Penalty. Section 39. All grain dealers, public warehousemen, and track buyers licensed under this Act shall keep proper and correct records of all grain bought, shipped, milled, or sold by them, designating the kind and grade of each lot, the true weights, gross and net, and the dock-

Records to be kept by all grain dealers, public warehousemen and track buyers.

age (if any); all such records to be in such form as shall be prescribed by the Commissioner of Agriculture and Publicity; and they shall be required to make such reports under oath, as may be requested of them, and at such times as may be designated by the Commissioner of Agriculture and Publicity. All such books and records and all warehouses and public warehouses shall at all times during business hours be open to the inspection of the Commissioner of Agriculture and Publicity or any duly authorized officer or employee of the State.

Form of records.

Report required to be made under oath.

Books and records to be open to examination by the commissioner of agriculture and publicity.

Section 18. That Section 40 of said Chapter 93 be amended so as to read as follows:

Section 40 amended.

Section 40. Authority is hereby given to the Commissioner of Agriculture and Publicity to examine the records of any grain dealer, track buyer, or public warehouseman; the contents of any warehouse or public warehouse; the records of any common carrier engaged in transporting grain in the State either to points within or outside the State.

Authority given commissioner to make examination of records.

Section 19. That Section 41 of said Chapter 93 be re-enacted and read as follows:

Section 41 re-enacted.

Section 41. When cleaning facilities are provided in any warehouse or public warehouse, grain shall be cleaned at the request of the owner for not exceeding one cent per bushel. Screening shall be delivered to the owner of the grain upon demand.

Clearing charges.

Section 20. That Section 42 of said Chapter 93 be amended so as to read as follows:

Section 42 amended.

Section 42. A fund is hereby established, to be known as the Grain and Warehouse Fund, which fund shall be credited by the State Treasurer with all moneys deposited by the Commissioner of Agriculture and Publicity, as in this Act provided; and all salaries to be paid and all expenses incurred by the Commissioner of Agriculture and Publicity in carrying out the provisions of this Act, and herein authorized, shall be paid out of and charged to the grain and warehouse fund. The State Treasurer is hereby authorized to transfer to the Grain and Warehouse Fund any funds in the State Treasury now to the credit of the Grain Inspection Fund, and any funds available for the use of Commissioner of Agriculture and Publicity at the time this Act may become effective. If in the opinion of the Commissioner of Agriculture and Publicity the Grain and Warehouse Fund is at any time larger than is necessary to properly conduct and carry on the provisions of this Act, the fees or

Grain and warehouse fund established.

Credits to fund.

Salaries and expenses to be paid out of it.

Monies to be transferred to fund.

Fees and charges to be reduced when, and by whom.

Fees and charges may be increased when.

charges shall be reduced, at the time and in the manner provided for in this Act. In like manner the fees or charges may be increased, within the limit named in this Act, if deemed advisable by the Commissioner of Agriculture and Publicity and the Governor for the proper enforcement of this Act.

Section 43 re-enacted.

Section 21. That Section 43 of said Chapter 93 be re-enacted and read as follows:

Violations of Act by certain persons or companies a misdemeanor.

Section 43. The violation of any of the provisions of this Act, not specifically provided for in the various sections thereof, by any railroad company, common carrier, person, firm, association, corporation, or any employee, agent, representative, or officer thereof, shall constitute a misdemeanor and shall upon conviction, be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

Penalty.

Section 44 re-enacted.

Section 22. That Section 44 of said Chapter 93 be re-enacted and read as follows:

Issuing false or fraudulent receipts, a felony.

Section 44. It shall be deemed a felony for any person either as an individual or as an officer, agent, or employee, or in the name of any corporation, person, firm, or association, to issue a false or fraudulent storage or warehouse receipt, or any receipt which purports to be or is represented to be a receipt for grain stored or for storage when such grain has not been received, or for a greater quantity than has been received or stored; or to in any manner issue, or refuse to issue a storage receipt, for the purpose of defrauding any person or persons, company or corporation; and any person convicted thereof shall be punished by a fine of not less than one thousand dollars (\$1000) or more than five thousand dollars (\$5000), or by confinement in the State penitentiary for not less than one year or more than five (5) years, or by both such fine and imprisonment.

Penalty.

Section 45 amended.

Section 23. That Section 45 of said Chapter 93 be amended so as to read as follows:

Duties of Attorney General.

Section 45. The Attorney General shall be ex-officio attorney for the Commissioner of Agriculture and Publicity and shall give all necessary advice to the Commissioner of Agriculture and Publicity. All criminal prosecutions shall be made in the name of the State of Montana by the Attorney General, or proper county attorney.

Criminal prosecutions.

What this Act shall not annul or affect.

Section 24. That this Act shall not annul or in any manner affect any bonds or undertaking, now in force and effect, executed or given pursuant to any provisions

of law or of said Chapter 93; nor shall this Act annul, or in any manner affect any grain dealer's, Public Warehouseman's, or track buyer's, or any other license whatsoever, issued pursuant to the provisions of said Chapter 93; nor shall this Act in any manner affect or annul any storage or warehouse receipts, or other receipts issued or given in pursuance of the provisions of said Chapter 93; nor shall this Act in any manner affect any civil or property rights acquired, or liability incurred, by or under the provisions of said Chapter; but the said bonds, undertakings, licenses, receipts, rights and liabilities shall remain in full force and effect, notwithstanding the provisions of this Act.

Section 25. That Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 46 of said Chapter 93 of the Laws, Resolutions, and Memorials of the State of Montana passed by the Fourteenth Legislative Assembly be and the same are hereby repealed.

Sections
repealed.

Section 26. That Chapter 71 of the Laws, Resolutions and Memorials of the State of Montana passed by the Fourteenth Regular Session of the Legislative Assembly be, and the same is hereby repealed.

Chapter 71 of
laws of 1913 re-
pealed.

Section 27. All Acts and parts of Acts in conflict with this Act are hereby repealed.

General repeal-
ing clause.

Section 28. This Act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1917.

CHAPTER 148.

"An Act to Amend Sections Nine (9), Eleven (11), and Fifty-one (51), of Chapter Eighty-nine (89), Acts of the Fourteenth Legislative Assembly of the State of Montana, Being an Act Entitled: 'An Act Regulating the Business of Banking; Providing for the Creation and Regulation of Banking Corporations; Creating the Department of Banking and Prescribing the Duties and Fixing the Salaries of Its Officers and Employees and Repealing Title Two (2), Part Four (4) of Division One (1), of the Civil Codes of Montana, Entitled, "Banks and Banking," Being the Provisions of Sections 2909 to 4015, Both Numbers Inclusive, Revised Codes of Montana, 1907, and All Acts Amendatory Thereof' and to Add Six New Sections Thereto to be

Numbered 16A, 16B, 16C, 16D, 16E and 16F, all Relating to the Business of Banking and the Department of Banking."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 9 of
chapter 89, Laws
of 1915 amended.

Section 1. That Section Nine (9) of Chapter Eighty-nine (89) of the Acts of the Fourteenth Legislative Assembly of the State of Montana, be amended to read as follows:

Refusal of appli-
cation for a cer-
tificate by su-
perintendent
shall be final.

Section 9. In the event the application for a certificate of authorization shall be refused by the Superintendent of Banks such action shall be final and conclusive.

Section 11 of
chapter
amended.

Section 2. That Section Eleven (11) of Chapter Eighty-nine (89) of the Acts of the Fourteenth Legislative Assembly of the State of Montana be amended to read as follows:

Who may call
first meeting of
the corporation
after certificate
is issued.

Section 11. When the formation of the corporation is completed under the provisions of this Act by the issuance of the certificate of incorporation by the Secretary of State, any three such incorporators signing the articles of agreement, may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publication in some newspaper of general circulation in the County in which the principal office for the transaction of business is to be located, at least five days before the time appointed for such meeting. If all the subscribers to the capital stock unite in a call for such meeting, in writing, no notice is necessary. If the first meeting be not called within thirty days from the date of the Certificate of Incorporation, or if such corporation shall fail to commence the business for which it is incorporated within ninety (90) days from the date of the issuance of the certificate of authorization the superintendent of banks is authorized to cancel such certificate of authorization.

Published notice
of first meeting.

When notice not
necessary.

When meeting
not called within
90 days certi-
cate may be
cancelled.

Section 51
amended.

Section 3. That Section Fifty-one (51) of Chapter Eighty-nine (89), of the Acts of the Fourteenth Legislative Assembly of the State of Montana, be amended to read as follows:

State Bank De-
partment cre-
ated.

Superintendent
of Banks.

Section 51. There is hereby created a State Bank Department. The State Examiner shall be ex-officio Superintendent of the Department and in the discharge of all the duties imposed by this Act, he shall be known and designated as the Superintendent of Banks. He shall, if required by the Governor, file an additional bond as Superintendent of Banks, in a penal sum not to exceed

Governor may
require an addi-
tional bond, in
what sum.

Twenty-five Thousand (\$25,000.00) Dollars with a surety or sureties to be approved by the Governor, conditioned upon the faithful discharge of the duties of his office as Superintendent of Banks. He shall appoint a Chief Deputy Superintendent of Banks who shall in the absence or inability to act of the Superintendent of Banks, have all the powers and duties of the Superintendent of Banks and he shall receive an annual compensation of Twenty-four Hundred (\$2400.00) Dollars and traveling expenses, such chief deputy shall also furnish such bond as the Governor may direct when called upon to perform permanently the duties of the Superintendent of Banks. He shall also appoint such additional number of deputies, not to exceed four, as may be required to discharge in a proper manner, the duties imposed upon him by law, none of which appointees shall be interested directly or indirectly in any Bank. Each deputy shall receive an annual salary of Eighteen Hundred (\$1800.00) Dollars and traveling expenses. He may also appoint such stenographers and clerks as the Board of Examiners may from time to time deem necessary, whose compensation shall be fixed by said Board of Examiners, at not to exceed One Hundred and Twenty-five (\$125.00) Dollars per month.

Chief Deputy Superintendent and his powers.

Salary.

Board of Chief Deputy.

Additional deputies and qualifications.

Salary of deputies, stenographers and clerks.

Limit to compensation.

Section 4. Six new Sections are hereby added to said Act to be numbered 16A, 16B, 16C, 16D, 16E, and 16F to read as follows:

Added sections.

Section 16A. Any Bank now organized and existing and which may hereafter be organized may increase or diminish its capital stock by complying with the provisions of this Act to any amount which may be deemed sufficient and proper for its purposes within the limits prescribed by this Act.

Banks may increase or diminish their capital stock how and to what extent.

16B. The corporate name of any Bank now organized and existing or which may hereafter be organized may be altered, changed or amended as in this Act provided.

Corporate name may be changed or altered.

16C. Every Bank now organized and existing or which may hereafter be organized may upon approval of the Superintendent of Banks, change its principal place of business from one place to another, in the same County within this State and may increase or diminish the number of its trustees, or directors in the manner hereinafter provided.

When and how bank may change its place of business or increase or decrease the number of trustees.

16D. Whenever any bank shall decide to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, or for chang-

Notice of meeting to increase or diminish banks capital stock; change its name or place of business, or number of trustees.

Notice which must be published, when and how long.	ing its corporate name or for changing its principal place of business or increasing or diminishing the number of its trustees or directors, it shall be the duties of the trustees or directors to publish a notice signed by at least a majority of them in a newspaper in the county, if any shall be published therein six successive weeks and to deposit a written or printed copy thereof in the post-office addressed to each stockholder at his usual place of residence at least six weeks previous to the day of meeting, specifying the object of meeting, the time and place when and where such meeting shall be held and the amount to which it shall be proposed to increase or diminish the capital or the name to which it is proposed that the Bank shall be changed or to the new location or place to which the principal place of business shall be changed and the number to which it is proposed to increase or diminish its trustees or directors and a vote of at least two-thirds of all of the shares of stock shall be necessary for an increase or diminution of the amount of its capital stock or to change its corporate name or to change its principal place of business, or to increase or diminish the number of its trustees or directors.
Copies to stockholders.	
Number of shares voting necessary to affect change.	
Meeting; amount of stock necessary.	Section 16E. If at the time and place specified in the notice provided for in the last preceding section, the stockholders shall appear in person or by proxy representing not less than two-thirds of all the shares of stock of the corporation and shall organize by choosing one of the trustees or directors chairman of the meeting and also a suitable person for Secretary and proceed to a vote of those present in person or by proxy and if on counting the votes it shall appear that two-thirds of the number of votes representing all the capital stock have been cast in favor of increasing or diminishing the amount of capital stock or of changing its corporate name or of changing its principal place of business or of increasing or diminishing the number of its trustees or directors, a certificate of the proceedings showing a compliance with the provisions of this Act, the amount of capital stock actually paid in, the whole amount of debts and liabilities of the corporation, the amount to which the capital stock shall be increased or diminished, or the change in the corporate name of the corporation, or the change in the principal place of business or the number to which its trustees or directors is to be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman and be countersigned by the
Organization of meeting, and voting.	
When proposition carries certificate to be issued.	
Certificate shall show, what.	
How certificate to be executed and acknowledged.	

Secretary and such certificate shall be acknowledged by the chairman and filed and recorded as required by Section Eight (8) of this Act and when so filed and recorded the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate or the corporate name shall be changed or the principal place of business changed, or the number of its trustees or directors increased or diminished, as specified in said certificate.

Shall be filed and recorded where.

Section 16F. Commercial Banks, Savings Banks, Trust Companies and Investment Companies now organized and existing or which may be hereafter organized may be dissolved in the manner provided by Sections 7323 to 7329 inclusive, of the Revised Codes of Montana, 1907.

How Commercial and Savings Banks, Trust and Investment companies may be dissolved.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 149.

“An Act Relating to the Liabilities, Restrictions and Duties of Foreign Corporations Licensed to Do Business in the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All foreign corporations licensed to do business in the State of Montana shall be subject to all the liabilities, restrictions and duties which are or may be imposed upon corporations of like character organized under the laws of this State, and shall have no other or greater powers.

Foreign corporations, liabilities, restrictions and powers of.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 150.

“An Act Authorizing the State of Montana to Become Indebted in the Sum of Two Hundred and Fifty Thousand (\$250,000) Dollars in Excess of the Constitutional Limit and Over and Above any Bonded Indebtedness Heretofore Incurred and for Which it is Now Obligated; Providing for the Issuance and Sale of Bonds in the Name of the State to Acquire Funds for the Purchasing or Building of a Terminal Grain Elevator with Necessary Equipment at Great Falls, Montana, to be Owned, Controlled and Operated by the State and Used for the Storage and Marketing of Grain Purchased in Montana; Prescribing the Form of Such Bonds; Providing for the Levying of a Tax to Pay the Principal Thereof and the Interest Accruing Thereon; Providing for the Submission to the Qualified Electors at the Next General Election the Question of the Issuance of Such Bonds and Prescribing the Form of the Ballots to be Used and the Duties of the State Board of Examiners Relative to the Issuance of such Bonds and the Duties of the Secretary of State Relative to the Submission of said Question to the Qualified Electors.”

Be it enacted by the Legislative Assembly of the State of Montana:

Empowering
State Board of
Examiners to is-
sue state bonds
in the sum of
\$250,000.

Section 1. That the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue bonds in the name of the State of Montana, to an amount not exceeding the sum of two hundred and fifty thousand (\$250,000) dollars in excess of constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred for which the state is now obligated; that the money to be derived from the sale of said bonds, or so much thereof as may be required, shall be used for the purchasing or building of a terminal grain elevator with the necessary equipment at Great Falls, Montana, to be used for the storage and marketing of grain produced in Montana and the said money so acquired shall be deposited in the State Treasury of Montana and paid out as provided by law for said purpose and for no other purpose.

How proceeds of
bonds shall be
used.

Purchase prop-
erty for terminal
elevator at
Great Falls.

Denomination
and term of
bonds.

Section 2. That the bonds provided for in this Act shall be issued in denomination of one thousand (\$1,000) dollars each and shall become due in ten (10) years from the date of issuance and be redeemable and payable at the option of the state at any time after five (5) years

from the date thereof at any interest paying period and shall bear interest at the rate of not exceeding five per cent (5%) per annum payable semi-annually on the fifteenth of June and December of each year at the office of the State Treasurer of the State of Montana and shall bear date as of the day of the issuance thereof.

Rate of interest.

Section 3. That such bond issued under the provisions of this Act shall contain a condition substantially as follows:

Condition to be contained in bonds.

"This bond is one of a series of state bonds of the denomination of one thousand (\$1,000) dollars each of like tenor and date and numbered from one (1) to (.....), inclusive, and aggregating the sum of.....dollars. The right is hereby reserved to redeem this bond at any regular interest paying period as stated herein by payment of the principal and interest in full to the date of redemption; provided, that not less than ten (10) days' notice shall be given by the State Treasurer in writing or by publication of such intention on the part of the state to make redemption."

The form of notice and method of giving same relative to the sale of such bonds shall be in accordance with the directions of the State Board of Examiners.

Notice, form of and how given.

Section 4. The State Board of Examiners shall make a charge of not more than two and one-half (2½) cents per bushel for grain stored in the terminal elevator and the money so received after paying the expense of maintaining the terminal elevator shall be paid into the State Treasury and credited to a separate fund designated as the "Terminal Elevator Fund," and said fund shall be used exclusively for the payment of the interest and redemption of such terminal elevator bonds herein provided for. If the money so paid into the "Terminal Elevator Fund" is not sufficient to pay the semi-annual interest on the bonds and the redemption thereof, then and in that event there shall be levied annually not exceeding one-half (½) of a mill on the dollar on all lands, agricultural in character, which said tax when collected by the county treasurer shall be accounted for and paid over to the State Treasurer to be by the State Treasurer held in the "Terminal Elevator Fund," which fund shall be used exclusively for the payment of the interest on such bonds and for the redemption thereof.

Charges for storage of grain in terminal elevator.

Money so collected to be deposited in Terminal Elevator fund.

Fund to be used for what purpose.

When a tax levy may be made against all agricultural lands and for what purpose.

County assessors shall designate upon the assessment rolls the lands subject to said tax.

Section 5. That the county assessors of the counties in Montana, commencing with the year wherein the bonds herein provided for may be issued and continuing so long as such bonds or any part thereof or any interest thereon may remain unpaid shall designate upon the assessment rolls the lands subject to the tax in the foregoing section, provided for.

Form of bonds.

Section 6. That the bonds herein referred to shall be in such form as may be prescribed by the attorney general and approved by the State Board of Examiners and shall be signed by the members of said board and issued under the great seal of the State of Montana and shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached covering the interest due semi-annually and shall have the lithographed facsimile signature of the members of the State Board of Examiners affixed thereto.

How bonds shall be disposed of

Section 7. That the bonds herein authorized and provided for shall be disposed of by the State Board of Examiners in such manner and upon such notice as seems for the best interests of the State in carrying out the terms and provisions of this Act and none of said bonds shall be sold for less than the face value thereof.

Shall not be sold for less than par value.

Duty of County Clerk in furnishing ballots at next general election.

Section 8. That each county clerk in the state, at the next general election shall have separate ballots printed and furnished to each precinct in his county in the same manner as other ballots are furnished to be used by the electors to vote upon the question herein submitted to them for their approval. The separate ballots herein referred to shall have printed thereon the following:

What separate ballots shall have printed thereon.



"For the law authorizing the issuance of state bonds in the sum not exceeding two hundred and fifty thousand (\$250,000) dollars for terminal elevator purposes."



"Against the law authorizing the issuance of state bonds in a sum not exceeding two hundred and fifty thousand (\$250,000) dollars for terminal elevator purposes."

How ballots to be marked.

The electors shall vote said ballot by marking an "X" in the square in front of the proposition for which he desires to cast his ballot.

Money to be expended how.

Section 9. That the money derived from the sale of the bonds hereinbefore referred to shall be expended for

the purposes hereinbefore referred to and in the manner prescribed by the Legislative Assembly.

Section 10. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. That this Act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1917.

CHAPTER 151.

“An Act Authorizing the Assignment by County Treasurers of Duplicate Certificates of Tax Sale Issued to Counties on Sales of Property for Taxes.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. At any time after any parcel of land has been bid in by the county as the purchaser thereof for taxes, as provided in Section 2638, of the Revised Codes of the State of Montana, the same not having been redeemed, the county treasurer shall assign all the right of the county therein acquired at such sale, to any person who shall pay the amount for which the same was bid in, with interest thereon at the rate of one per cent per month and the amount of all subsequent delinquent taxes, penalties, costs and interest, as provided by law, upon the same from time to time when such tax became delinquent. He shall execute to such person a certificate for such parcel, which may be substantially in the following form:

Assignment of rights of county as purchaser of any piece of property at tax sale.

I, _____, the treasurer of the county of _____, State of Montana, do hereby certify that at the sale of lands pursuant to the tax assessment for the year 19_____, in the county of _____ and which sale was held on the _____ day of _____, 19_____, for the purpose of liquidating said assessment, the following described parcel of land, situate in said county of _____, State of Montana, to-wit: (insert description) was duly offered for sale; that there was no purchaser in good faith for the same as provided by law on the first day the property was offered for sale; and thereafter on the _____ day of _____, 191_____, I again offered said property for sale at the place advertised for such sale, and no person or purchaser offered to take the same and

pay the taxes, cost and charges due as aforesaid, the whole amount of the property assessed and described as above was struck off to the county of.....as the purchaser thereof for the sum of \$....., and the same still remaining unredeemed, and on this day having paid into the treasury of said county the amount for which the same was bid in, together with all subsequent delinquent taxes, penalties, costs and interest, amounting in all to.....dollars.

Now, therefore, in consideration thereof and pursuant to the statute in such case made and provided, I do hereby assign and set over all the right, title and interest of the county of....., State of Montana, acquired in said lands under and by virtue of said sale, to the said....., his heirs and assigns, forever, together with all the rights, powers and privileges of the said county of.....to take steps to receive a deed thereof, or receive payment in case of a redemption, subject, however, to redemption as provided by law.

WITNESS my hand and official seal of office this day of....., 19.....

.....
County Treasurer.

Act shall apply
to what sales.

Section 2. The provisions of this Act shall apply to any sales of land for which a treasurer's deed shall not at the time of the passage hereof have actually issued, regardless of whether the sale shall have been made at any date heretofore, as well as to future sales for recovery of taxes; and the holder of any such certificate shall therefore have the same rights, powers and privileges with regard to securing a deed as any purchaser of lands at tax sale may now have.

Rights, powers
and privileges of
holders of cer-
tificates.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5th, 1917.

CHAPTER 152.

“An Act Providing for the Commission-Manager Plan of Government for Cities and Towns, Providing for the Election of Officers Therein, Defining Their Duties and Powers and Providing for Their Compensation.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any municipality may abandon its organization and reorganize under the provisions of this Act, by proceeding as hereinafter provided.

Municipalities may abandon their present plan of government.

Section 2. Upon a petition being filed with the city or town council, signed by not less than twenty-five per cent of the qualified electors of such municipality registered for the last preceding general municipal election, praying that the question of reorganization under this Act be submitted to the qualified electors of such municipality, said city or town council shall thereupon and within thirty days thereafter, order a special election to be held, at which election the question of reorganization of such municipality under the provisions of this Act shall be submitted to the qualified electors of such municipality.

Petition to submit question of reorganization of government.

City council to order a special election to be held when.

Such order of the city or town council shall specify therein the time when such election shall be held, which must be within ninety days from the date of filing of such petition.

Order of election shall specify time.

Section 3. Upon the city or town council ordering such special election to be held, the mayor of such municipality shall issue a proclamation setting forth the purpose for which such special election is held, and the date of holding such special election, which proclamation shall be published for ten consecutive days in each daily newspaper published in said municipality if there be such, otherwise once a week for two consecutive weeks in each weekly newspaper published therein, and such proclamation shall also be posted in at least five public places within such municipality.

Mayor's proclamation of election.

Publication of.

Posting of.

Section 4. At such election, the ballots to be used, shall be printed on plain white paper, and shall be headed “Special election for the purpose of submitting to the qualified electors of (city, town) of (name of city or town) under chapter (name of chapter containing this Act) of the Acts of the Fifteenth Legislative Assembly,” and shall be substantially in the following form:

Form and contents of ballots.

For reorganization of the (city, town) of (name of city or town) under chapter (name of chapter contain-

ing this Act) of the Acts of the Fifteenth Legislative Assembly.

Against reorganization of the (city, town) of (name of city or town) under chapter (name of chapter containing this Act) of the Acts of the Fifteenth Legislative Assembly.

Election conducted and vote canvassed, how.

Such election shall be conducted and vote canvassed and result declared in the same manner as provided by law in respect to other municipal elections.

Mayor to transmit certificates of election, when and to whom.

Section 5. If such proposition is adopted, the mayor shall transmit to the governor, to the secretary of state and to the county clerk and recorder, each a certificate stating that such proposition was adopted.

Question not to be again submitted for two years, when.

If such proposition shall not be adopted at such special election, such proposition shall not again be submitted to the electors of such municipality within a period of two years thereafter.

Duty of city council to call commissioners election, when.

Section 6. If the majority of the votes cast at such election shall be in favor of such proposition, the city or town council must hold a meeting within two weeks thereafter, and at such meeting, order a special election to be held for the purpose of electing the number of commissioners to which such municipality shall be entitled, which order shall specify the time of holding such election which must be within ninety days after the making of such order, and the mayor shall thereupon issue a proclamation setting forth the purpose for which such special election is held and the day of holding the same, which proclamation shall be published for ten successive days in each daily newspaper published in such municipality if there be such, otherwise for two successive weeks in each weekly newspaper published therein and a copy thereof shall also be posted at each voting place within said municipality and also in five of the most public places in said municipality.

Mayor to issue proclamation calling election
Publication of.

Posting of.

Election to be conducted and vote canvassed, how.

Section 7. Such election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other municipal elections.

What laws applicable to cities organized under this Act.

Section 8. All laws governing municipalities of like population and not inconsistent with the provisions of this Act, shall apply to and govern municipalities organized under this Act. All by-laws, ordinances and resolutions lawfully passed and in force in any such municipality under its organization not in conflict herewith, shall remain in force until altered or repealed by the

What by-laws, ordinances and resolutions to remain in force.

Commission under the provisions of this Act. The territorial limits of such municipality shall remain the same as under the former organization and all rights and property of every description which were vested in any such municipality under its former organization, shall vest in the same under the organization herein contemplated, and no right or liability either in favor of or against it, existing at the time, and no suit or prosecution of any kind shall be affected by such change, unless otherwise provided for in this Act.

Territorial limits.

Property of city.

Rights, liabilities, suits, etc.

Section 9. Whenever the inhabitants of any unorganized part of a county desire to be organized into a city or town under the provisions of this Act, they will proceed in the way provided for the organization of cities or towns by the state law, stating in their petition for organization that they wish to come under the provisions of this Act.

Organization of new municipalities.

Petition to state.

When the incorporation of a city or town is completed, the board of county commissioners must give notice for thirty days in a newspaper published within the limits of the municipality, or if none be published therein, by posting notices in six public places, within the limits of the corporation, of the time and place or places of holding the first election for offices of the corporation. At such election, all the electors qualified by the general election laws of the state, and who have resided within the limits of the municipality for six months, and within the limits of the ward for thirty days preceding the election, are qualified electors and may choose officers for the municipality, to hold office as prescribed in this Act.

Election of officers.

Duty of County Commissioners to give notice by publication and posting.

Who may vote at such election.

The persons so elected must qualify in the manner prescribed by law for county officers. The board of county commissioners must appoint judges and clerks of election, and canvass and declare the result thereof. The election must be conducted in the manner required by law for the election of county officers.

Officers elected to qualify how.
Appointment of election officers.

Section 10. The inhabitants of any municipality, coming under the provisions of this Act, as its limits now are, or may hereafter be, shall be a body politic and corporate and have a corporate name, and as such shall have perpetual succession, and may use a corporate seal. Through its duly elected officers, it may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, lease, or lease with the privilege to purchase for any municipal purpose; may sell, lease, hold, manage and control such

Municipalities organized under Act to be bodies corporate.

Rights and powers.

	property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all provisions of any conveyance, deed, or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease and operate and regulate
Public utilities.	public utilities; may assess, levy and collect taxes for
Power to tax.	general and special purposes on all the subjects or objects which the municipality may lawfully tax; may borrow money on the faith and credit of the municipality by the issue or sale of bonds or notes of the municipality;
May borrow money.	may appropriate money of the municipality for all lawful purposes, may create, provide for, construct, regulate and maintain all things of nature of public works and
Appropriate money.	improvements; may levy and collect assessments for improvement districts and other local improvements; may
Improvement districts.	license and regulate persons, corporations and associations engaged in any business, occupation, profession or
Licenses.	trade; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the municipality, and all nuisances and the causes thereof; may regulate the construction, height and the material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use, for whatever purpose, of the streets and other public places; may create, establish, abolish and organize offices and fix the salaries and compensations of all officers and employees;
Abate nuisances.	may make and enforce local sanitary and police and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting peace, good government and welfare of the municipality, and for the performance of the functions thereof. The municipality shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Montana; and all such powers whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Act, or when not prescribed therein, in such manner as shall be prescribed by the ordinances or resolutions of the commission.
Police powers.	
Regulate and control streets, highways, etc.	
Create, etc., offices.	
Sanitary and police regulations. Ordinances.	
All other powers provided by law.	

Enumerated powers not deemed exclusive.

Section 11. The enumeration of particular powers by this Act shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city or town shall have, and may exercise, all powers which,

under the constitution and laws of Montana, it would be competent for this Act specially to enumerate.

Section 12. The form of government provided for in this Act shall be known as the "Commission-Manager Plan," and shall consist of a commission of citizens, who shall be elected at large in the manner hereinafter provided. The commission shall consist of three commissioners for all municipalities having a population less than twenty-five thousand (25,000), and five commissioners for all cities having a population of twenty-five thousand (25,000) or more. The commission shall constitute the governing body with powers as hereinafter provided, to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "City Manager," and exercise all powers as hereinafter provided.

"Commission-manager-plan" of government to consist of whom.

Number of commissioners in different sized cities.

Shall be the governing body with what powers.

Section 13. The commissioners elected at the first election, shall qualify and their terms of office shall begin on the first Monday after their election, and the terms of office of the mayor and councilmen or aldermen in such city or town in office at the beginning of the term of office of the commissioners first elected under the provisions of this Act shall then cease and terminate, and the terms of office of all their appointed officers in force in such city or town, shall cease and terminate as soon as the commissioners shall by resolution declare. All commissioners shall serve for a term of four years and until their successors are elected and have qualified; except that at the first election the two candidates having the highest number of votes shall hold office for a period of four years, less the time elapsed since the first of January of the even numbered year last preceding. The terms of office of all other candidates shall expire on the first day of January in an even numbered year following the special election provided for in this Act.

First set of commissioners, term of office to commence, when.

Old officers to terminate when.

Term of office of commissioners.

When terms to expire.

Section 14. Vacancies in the commission shall be filled by the commission for the remainder of the unexpired term, but any vacancy resulting from a recall, shall be filled in the manner provided in such case.

Vacancies in commission, how filled.

Section 15. Members of the commission shall be residents of the city or town and have the qualifications of electors, and own real estate situated therein to the assessed value of not less than one thousand dollars. Commissioners and other officers and employees shall not hold any other public office or employment, except, in

Qualifications for commissioners.

No officer to hold any other office excepting.

Shall not be interested in any profits, contract, etc., for the municipality.

Commissioner to forfeit office when.

When contract may be declared void.

No officer shall accept passes, tickets, etc.

Misdemeanor.

Provisions not to apply when.

Candidates to be nominated how.

When primaries to be held.

Who may become a candidate for commissioner.

Statement to be filed.

the State Militia, as School Trustees, or Notary Publics, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any commissioner who shall cease to possess any of the qualifications herein required, shall forthwith forfeit his office, and any such contract in which any member is or may become interested, may be declared void by the commission.

No commissioner or other officer or employee of said city or town shall accept any frank, free ticket, passes or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section, shall be a misdemeanor. Such provision of free service shall not apply to policemen or firemen in uniform or wearing their official badges, where the same is provided by ordinance.

Section 16. Candidates to be voted for at all general municipal elections at which commissioners are to be elected under the provisions of this Act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nominations shall be held on the last Tuesday of August of the odd numbered years.

Any qualified elector of the municipality, who is the owner of real estate situated therein to the value of not less than one thousand dollars, desiring to become a candidate for commissioner, shall at least ten days prior to said primary election file with the clerk of the commission, a statement of such candidacy in substantially the following form:

State of Montana,
County of....., ss.

I, ..., being first duly sworn, say that I reside at.....street,.....city (town) of....., county of....., State of Montana; that I am a qualified voter therein; that I am a candidate for nomination to the office of commissioner to be voted upon at the primary election to be held on the last Tuesday of August 19....., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by
on this.....day of
19.....

(Signed).....

And shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

Petition to be
 filed with state-
 ment.

Petition Accompanying Nominating Statement.

The undersigned duly qualified electors of the (city, town) of....., and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination to the office of commissioner at the primary election to be held on the last Tuesday of August 19..... We further state that we know him to be a qualified elector of said (city, town) and a man of good moral character, and qualified in our judgment, for the duties of such office, and we individually certify that we have not signed similar petitions greater in number than the number of commissioners to be chosen at the next general municipal election.

Form of petition.

Names of Qualifying Electors. Number. Street.

(Space for Signatures.)

State of Montana,

County of....., ss.

....., being duly sworn, deposes and says that he knows the qualifications and residence of each of the persons signing the appended petition, and that such signatures are genuine and the signatures of the persons whose names they purport to be.

Verification.

(Signed).....

Subscribed and sworn to before me this.....
 day of.....19.....

Notary Public.

This petition, if found insufficient, shall be returned to.....at No.....Street,
, Montana.

Immediately upon the expiration of the time of filing the statements and petition for candidates, the clerk of the commission, shall cause to be published for three

Clerk to publish
 names of persons
 that are to ap-
 pear on primary
 ballots, when.

Printing of pri-
mary ballots.

Party designa-
tions not to ap-
pear on any bal-
lot.

White paper.

Form and con-
tents of ballots.

consecutive days in all the daily newspapers published in the municipality in proper form, the names of the persons that are to appear upon the primary ballots, and if there be no daily newspaper, then in two issues of any other newspaper that may be published in said municipality, and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-simile of his signature.

Section 17. All ballots used in all elections held under authority of this Act shall be without party mark or designation. The ballots shall be printed on plain, substantial white paper.

Except that the crosses here shown shall be omitted, and that in place of the names of persons here shown, there shall appear the names of the persons who are candidates for nomination, the primary ballots shall be substantially as hereinafter designated. Primary, regular and special election ballots provided under authority of this Act for the nomination or election of commissioners shall not bear the name of any person or persons or any issue other than those candidates for nomination or election to the office of commissioner.

Official Primary Ballot.

Vote for (insert here a number equal to the number of persons to be elected to the office of commissioner at the next regular municipal election.)

If you wrongly mark, tear or deface this ballot, return it and obtain another.

Candidates for nomination to the office of Commissioner at the primary election.

☒	John Doe
☒	Henry Smith
☒	George Jones
☒	James Richards
☒	Richard Doe
Official ballot attest:	
(Signature)	
Clerk of Commission.	

Having caused said ballots to be printed, the clerk of the commission shall cause to be delivered at each polling place a number of said ballots, ten per cent in excess of the number of such voters registered in such polling place at the last general municipal election. The persons who are qualified to vote at the general election, shall be qualified to vote at such primary election, and any person offering to vote, may be orally challenged by any elector of the municipality upon any or all grounds set forth and specified in Section 562 of the Revised Codes of Montana of 1907 and the provisions of Sections 563, 564, 565, 566, 567, 568, 569, and 570 of the Revised Codes of Montana, 1907, shall apply at all challenges made at such election. Judges of election shall immediately upon the closing of the polls, count the ballots and ascertain the number of such votes cast in such precinct for each of the candidates, and make return thereof to the clerk of the commission upon proper blanks to be furnished by the clerk of the commission within twelve hours of the closing of the polls. On the day following the primary election, the clerk of the commission shall canvass said returns so received from all the polling precincts and shall make and publish in all the newspapers in said municipality, at least once, the result thereof. Said canvass by the clerk of the commission shall be made publicly.

Ballots to be delivered at polling places.

Qualifications of electors.

Grounds upon which challenges may be made.

Canvassing vote.

Returns.

Clerk to canvass returns, when.

Publication of results of canvass.

Canvass by clerk to be public.

The candidates for nomination to the office of Commissioner who shall have received the greatest vote in such primary election, shall be placed on the ballot at the next regular municipal election, in number not to exceed double the number of vacancies in the Commission to be filled.

Who to be placed on ballot at regular election.

All electors of municipalities under this Act, who, by ordinances governing cities and towns incorporated under the general municipal incorporation law, or by charter, would be entitled to vote for the election of officers at any general municipal election in such cities or towns, shall be qualified to vote at all elections under this Act; and the ballots to be used at such general municipal elections, shall be in the same general form as for such primary election so far as applicable, and in all elections in such municipalities, the election precincts, voting places, method of conducting the elections, canvassing of votes and announcing the results, shall be the same as by law provided for the election of officers in such cities or

Qualification of electors under Act.

General form of ballots.

Voting places, method of conducting election, canvassing votes, etc.

towns so far as the same are applicable and not inconsistent with the provisions of this Act.

Names to be printed in rotation.

Section 18. The names of candidates on all ballots used in any election held under the authority of this Act, shall be printed in rotation, as follows:

Number of series of ballots.

The ballot shall be printed in as many series as there are candidates for the office of Commissioner. The whole number of ballots to be printed, shall be divided by the number of series and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots, the names of candidates shall be arranged in alphabetical order. After printing the first series, the first name shall be placed last and the next series printed, and the process shall be repeated until each name in the list shall have been printed first an equal number of times. The ballots so printed, shall then be combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together in the same tablet.

Names on first series.

Names on succeeding series.

Arrangement of names in tablets.

Regular municipal elections to be held when.

Section 19. A regular election for the choice of Commissioners provided for in this Act, shall be held on the first Tuesday after the first Monday in November of any odd numbered year, and on the first Tuesday after the first Monday in November in each second year thereafter. Elections so held shall be known as regular municipal elections. All other elections held under the provisions of this Act, excepting those for the nomination of candidates for the office of Commissioner, shall be known as special municipal elections.

Special elections.

Candidates shall publish his election expenses, when.

Section 20. Every candidate for Commissioner shall, within thirty (30) days after the election, file with the Clerk of the Commission, and publish at least once in a daily newspaper of general circulation, or weekly, if there be no daily newspaper published, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed.

Misdemeanors.

Any violation of the provisions of this section, shall be a misdemeanor and if committed by a successful candidate, give ground for the removal from office.

Commissioners may be removed from office.

Recall.

Section 21. Any or all, of the Commissioners provided for in this Act may be removed from office by the electors. The procedure to effect such removal, shall be as follows:

Petition for recall.

A petition demanding that the question of removing such officers be submitted to the electors, shall be filed with the Clerk of the Commission.

Such petition for the recall of any or all of the Commissioners shall be signed by at least twenty-five (25) per cent of the total number of registered voters in the municipality.

Petition to be signed by what number.

The signature to such petition need not be appended to any one paper.

Section 22. Petition papers shall be procured only from the Clerk of the Commission, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors and filed with the Clerk of the Commission, stating the name and the office of the officer or officers sought to be removed. The Clerk of the Commission, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify on such papers the name of the elector to whom issued and the date issued. No petition papers so issued shall be accepted as part of the petition unless it bears such certificate of the Clerk of the Commission and unless it be filed as provided herein.

Clerk to supply petition papers.

Affidavit required before issuing petition papers.

Duty of clerk upon issuing petition papers.

Certificate of Clerk on papers.

Section 23. Each signer of a recall petition, shall sign his name in ink or indelible pencil and shall place thereon after his name, his place of residence by street and number. To each such petition paper, there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be.

Signatures on recall petition papers.

Affidavit to be attached to signed petition.

Section 24. All papers comprising a recall petition shall be assembled and filed with the Clerk of the Commission as one instrument within thirty (30) days after the filing with the Clerk of the Commission of the affidavit stating the name and the office of the officer sought to be removed.

Recall papers to be assembled and filed as one instrument, when.

Section 25. The Clerk of the Commission shall at once submit the recall petition to the Commission and shall notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice, the Commission shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than seventy (70) nor more than eighty (80) days

Recall petition to be submitted to commission and officer notified.

Recall election to be ordered and time fixed when.

When recall election shall be held; when and within what time.

When a special recall election to be called.

Ballots at recall election; requirements of.

Question submitted.

after the petition has been presented to the Commission, at the same time as any other general or special election held within such period; but if no such election be held within such period, the Commission shall call a special recall election to be held within the time aforesaid.

Section 26. The ballots at such recall election, shall conform to the following requirements:

With respect to each person whose removal is sought, the question shall be submitted, "Shall (name of person) be removed from the office of (name of office) by recall?"

Immediately following each such question, there shall be printed on the ballots the two propositions, in the order set forth:

"For the recall (Name of person.)

Against the recall (Name of person.)"

Names of candidates to fill vacancy.

Officer being recalled shall not as candidate to appear on ballot succeed himself.

Nomination of candidates to fill vacancies.

How made.

Number of names required on petition.

Petition shall be filed when.

When recall does not carry.

When officer to be deemed removed on recall.

Recall can not be had within six months after commissioner takes office.

Immediately to the left of the proposition, shall be placed a square in which the electors, by making a cross mark (X), may vote for either of such propositions. Under said questions shall be placed the names of candidates to fill the vacancy or vacancies. The name of the officer or officers whose removal is sought, shall not appear on the ballot as a candidate or candidates to succeed himself or themselves.

Before any such recall election for the removal of Commissioners shall be had, there shall be nominated candidates to fill the vacancy or vacancies, the nominations therefor to be made by petition, which petition for each candidate shall be signed by at least twenty-five (25) registered electors, and shall be filed at least thirty (30) days prior to the date fixed for holding such recall election; and the form and requirements for said petition shall be the same as hereinbefore provided in the case of primary nominations.

Section 27. Should a majority of the votes cast at a recall election be against the recall of the officer named on the ballot, such officer shall continue in the office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at a recall election shall be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office.

Section 28. No recall petition shall be filed against a Commissioner within six (6) months after he takes his office, nor in case of an officer re-elected in a recall election until six (6) months after that election.

Section 29. Any person who shall agree to perform any services in the interest of any candidate for any office provided in this Act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate shall be punished by a fine not exceeding Three Hundred (\$300.00) Dollars or be imprisoned in the county jail not exceeding thirty (30) days, or both such fine and imprisonment.

Unlawful to work in interest of a candidate for a valuable consideration.

Penalty.

Section 30. Any person offering to give a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any election provided in this Act or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration; any person who agrees, by promise or written statement, that he will do, or will not do, any particular act or acts, for the purpose of influencing the vote of any elector or electors at any election provided in this Act; any person making false answer to any of the provisions of this Act relative to his qualifications to vote at such election; any person willfully voting or offering to vote at such election who has not been a resident of this State for one year next preceding said election, or who is not 21 years of age, or is not a citizen of the United States, or knowing himself not to be a qualified elector of such precinct where he offers to vote; any person knowingly procuring, aiding or abetting any violation hereof, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined a sum of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars; or be imprisoned in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment.

Bribing electors.

Receiving bribes to vote.

Promises made to influence vote.

False answers regarding qualification of elector.

Voting unlawfully.

Knowingly procuring or aiding in violation of Act.

A misdemeanor. Penalty.

Section 31. Any proposed ordinance may be submitted to the Commission by petition signed by at least ten (10) per cent of the total number of registered voters in the municipality. All petition papers, circulated with respect to any proposed ordinance shall be uniform in character and shall contain the proposed ordinance in full, and have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes hereinafter named.

Proposed ordinance may be submitted to people when.

Requirements of petitions to submit ordinance.

Section 32. Each signer of a petition shall sign his name in ink or indelible pencil and shall place on the petition papers after his name, his place of residence by

Signatures to petition to be indelible and followed by what.

May be in several papers.

Affidavit attached.

Petition papers to be assembled and filed with whom.

Duty of clerk to submit same.

Publication of ordinance.

When commission shall act on petition.

Ordinance may be submitted when commission rejects or modifies same, when.

Submission of petition and proposed ordinance to clerk of commission, when.

Duty of clerk to certify the fact of submission to the commission, when.

To be submitted to electors at any election within what time and at what election.

What ballot submitting proposed ordinance shall contain.

street and number. The signatures of any such petition papers need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant.

Section 33. All papers comprising a petition, shall be assembled and filed with the Clerk of the Commission as one instrument, and when so filed, the Clerk of the Commission shall submit the proposed ordinance to the Commission at its next regular meeting. Provision shall be made for public hearings upon the proposed ordinances.

The Commission shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date of submission. If the Commission rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, the committee of the petitioners may require it to be submitted to a vote of the electors in its original form or that it be submitted to a vote of the electors with any proposed change, addition or amendment, if a petition for such election is presented bearing additional signatures of fifteen (15) per cent of the electors of the city or town.

Section 34. When an ordinance proposed by petition is to be submitted to a vote of the electors, the committee of the petitioners shall certify that fact and the proposed ordinance to the Clerk of the Commission within twenty (20) days after the final action on such proposed ordinance by the Commission.

Section 35. Upon receipt of the certificate and certified copy of the proposed ordinance, the Clerk shall certify the fact to the Commission at its next regular meeting. If an election is to be held not more than six months nor less than thirty (30) days after the receipt of the Clerk's certificate by the Commission, such proposed ordinance shall then be submitted to a vote of the electors. If no such election is to be held within the time aforesaid, the Commission shall provide for submitting the proposed ordinance to the electors at a special election.

Section 36. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions,

"For the Ordinance" and "Against the Ordinance." Immediately at the left of each proposition, there shall be a square in which, by making a cross (X), the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the municipality.

When proposed ordinance shall become an ordinance.

Section 37. Proposed ordinances for repealing any existing ordinance or ordinances, in whole or in part, may be submitted to the Commission as provided in the preceding Section for initiating ordinances. Initiated ordinances adopted by the electors, shall be published and may be amended or repealed by the Commission as in the case of other ordinances.

Ordinance proposing to repeal existing ordinance.

Publication of initiated ordinance, and amendment or repeal thereof.

Section 38. No ordinance passed by the Commission, unless it be an emergency measure, shall go into effect until thirty (30) days after its final passage by the Commission. If at any time within the said thirty (30) days, a petition signed by twenty-five (25) per cent of the total number of registered voters in the municipality be filed with the Clerk of the Commission requesting that any such ordinance be repealed or submitted to a vote of the electors, it shall not become operative until the steps taken herein shall have been taken.

Ordinances passed by commission to go into effect, when.

Not to become operative when.

Section 39. The Clerk of the Commission shall deliver the petition to the Commission, which shall proceed to reconsider the ordinance. If, upon such reconsideration, the ordinance be not entirely repealed, the Commission shall provide for submitting to a vote of the electors, and in so doing, the Commission shall be governed by the provisions herein contained, respecting the time of submission and of manner of voting on ordinances proposed to the Commission by petition. If, when submitted to a vote of the electors, any such ordinance be not approved by a majority of those voting thereon, it shall be deemed repealed.

Reconsideration of ordinance.

When shall be submitted to the people.

Procedure.

When not carried, repealed.

Section 40. Referendum petitions need not contain the text of the ordinance, the repeal of which is sought, but shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the Commission. Ballots used in referendum elections shall conform in all respects to those provided for in Section 36 of this Act.

Referendum petition need not contain what.

Ballots.

Section 41. Ordinances submitted to the Commission by initiative petition and passed by the Commission without change, or passed in an amended form and not

Other ordinances which may be referred.

required to be submitted to a vote of the electors by the committee of the petitioners, shall be subject to a referendum in the same manner as other ordinances.

When referendum ordinances conflict

Section 42. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Emergency ordinances may be referred, but go into effect at time named therein.

Section 43. Ordinances passed as emergency measures shall be subject to a referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

When emergency ordinances repealed.

In force for what purposes.

Preliminary steps may be taken before election when ordinance provides for expenditure of money, etc.

Section 44. In case a petition be filed requiring that a measure passed by the Commission providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such expenditure, actual issuance of the bonds, or actual execution of the contract for such improvement, may be taken prior to the election.

Official oath and bond of commissioners.

Section 45. Every person who has been declared elected Commissioner, shall within ten (10) days thereafter take and file with the Clerk of the Commission his oath of office in the form and manner provided by law, and shall execute and give sufficient bond to the municipal corporation in such sum as the judge of the district court of the county in which such municipality is situated, shall designate, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the Clerk and Recorder of the County in which such municipality is situated. The premium on such bond as may be required, shall be paid by the municipality.

Who shall be mayor.

Section 46. The mayor shall be that member of the Commission, who, at the regular municipal election at which the Commissioners were elected, received the highest number of votes. In case two candidates receive the same number of votes, one of them shall be chosen mayor by the remaining members of the Commission. In event of a vacancy in the office of the mayor, by the expiration of his term of office, the holdover Commissioner

In case of vacancy by expiration of term.

having received the highest number of votes, shall be the mayor. In the event there is a vacancy in the office of the mayor for any other cause, the remaining members of the Commission shall choose his successor for the unexpired term from their own number. The mayor shall be the presiding officer, except that in his absence, a president pro tempore may be chosen. The mayor shall exercise such powers conferred, and perform all duties imposed upon him by this Act, the ordinances of the municipality and the laws of the state, except that he shall have no power to veto any measure. He shall be recognized as the official head of the municipality by the courts for the purpose of serving civil processes, by the Governor for the purposes of the military law, and for all ceremonial purposes.

Vacancy from other causes.

Mayor, the presiding officer.

Powers and duties.

Official head of municipality.

Section 47. In the event that the Commissioner who is acting as mayor shall be recalled, the remaining members of the Commission shall select one of their number to serve as mayor for the unexpired term. In the event of the recall of all the Commissioners, the person receiving the highest number of votes at the election held to determine their successor, shall serve as the mayor.

When mayor is recalled, election of successor.

Mayor when all commissioners are recalled.

Section 48. In municipalities having three Commissioners, two Commissioners shall constitute a quorum; and the affirmative vote of two Commissioners shall be necessary to adopt or reject any motion, resolution or ordinances, or pass any measure unless a greater number is provided for in this Act. In municipalities having five Commissioners, three Commissioners shall constitute a quorum and the affirmative vote of three Commissioners, shall be necessary to adopt or reject any motion, resolution, or ordinances, or pass any measure unless a greater number is provided for in this Act. Upon every vote, the ayes and the naves shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon.

Quorum and number required to carry any motion, etc.

How vote taken and recorded.

Section 49. The salary of each Commissioner shall be as follows:

Compensation of commissioners.

Five (\$5.00) Dollars per meeting for all meetings attended. The salary of the Commissioner acting as mayor shall be one and one-half times that of the other Commissioners.

Section 50. At ten o'clock A. M. on the first Monday after the first day of January, following a regular municipal election, the Commission shall meet at the usual

First meeting of newly elected commission.

Other meetings.

When absence from meetings shall create a vacancy.

Special meetings, how called.

Notice.

Meetings and minutes shall be public.

Rules and order of business.

Ordinances and resolutions to be introduced in writing, etc.

Appropriation ordinances may contain various subjects.
Enacting clause.

Ordinance shall be passed on what day.

Signed by whom and filed when.

Revision and amendment of ordinance.

place for holding the meetings of the legislative body of the municipality, at which time the newly elected Commissioners shall assume the duties of their office. Thereafter, the Commissioners shall meet at such times as may be prescribed by ordinance or resolution, except that in municipalities having less than five thousand inhabitants, they shall meet regularly at least once and not more than four times per month, and in municipalities having more than five thousand inhabitants, they shall meet not less than once each week. Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a member, unless such absence be authorized by the Commission.

The Commissioner acting as mayor, any two members of the Commission, or the City Manager, may call special meetings of the Commission upon at least twelve (12) hours written notice to each member of the Commission, served personally on each member or left at his usual place of residence. All meetings of the Commission shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The Commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

Section 51. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the Commission shall be, "Be it ordained by the Commission of the (city or town) of (name of city or town.)" The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of the (city or town) of (name of city or town.)"

No ordinance, unless it be declared an emergency, shall be passed on the day on which it shall have been introduced, unless so ordered by an affirmative vote of all the members of the Commission. Every ordinance or resolution passed by the Commission shall be signed by the mayor or two members, and filed with the clerk within two days, and by him recorded.

No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contained the entire ordinance or resolution or section revised or amended.

Section 52. All ordinances and resolutions shall be in effect from and after thirty (30) days from the date of their passage by the Commission, except as otherwise provided in this Act. The Commission may, by an affirmative vote of all the members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances or resolutions appropriating money, or ordering any street improvement or sewer, unless it is endangering the health or safety of the inhabitants, or granting any franchise, or extension of franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, or right to occupy or use the streets, highways, bridges or other public places, shall never be passed as emergency measures.

Ordinances and resolutions shall take effect when.

Emergency measures.

Definition of.

Ordinances which can never pass as emergency measures.

Section 53. The Commission shall choose a clerk and such other officers and employees of its own body as are necessary. The clerk shall be known as the clerk of the Commission and shall keep records and perform such other duties as may be required by this Act or the Commission.

Clerk and other officers to be chosen.

Duties of clerk.

Section 54. The Commission shall cause a continuous audit to be made of the books of account, records and transactions of the administrative department of the municipality. Such audit, during each fiscal year, shall be made by one or more well qualified accountants. The duty of the auditor or auditors so appointed, shall include the certifications of all statements required under Section 68 of this Act. Such statements shall include a general balance sheet, exhibiting the assets and liabilities of the municipality, supported by departmental schedules and schedules for each utility publicly owned or operated; summaries of income and expenditure, supported by detailed schedules; and also comparisons, in proper classifications, with the last previous year. The report of such audit for each previous year, shall be printed and a copy thereof furnished the State Bank Examiner of Montana, to each member of the Commission and to each citizen who may apply therefor; and a condensed summary thereof shall be published in the manner provided by the Commission.

Continuous audit.

Duties of auditors.

Statement to include what.

Report of audit of previous year to be printed before delivery to whom.

Publication of summary.

Record of ordinances and resolutions and authorization thereof.

Publication of number and title.

Investigation of financial transactions.

Powers in conducting investigations.

Contempt.

Witness not to be excused from testifying.

Testimony not to be used how.

City Manager to be appointed regardless of his political beliefs.

Powers and duties of City Manager.

Section 55. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the Commission. At least the number and title of every ordinance or resolution shall be published at least once within ten (10) days after its final passage in such manner as is provided in this Act.

Section 56. The Commission, or any committee thereof, duly authorized by the Commission so to do, may investigate the financial transactions of any office or department of the municipal government and the official acts of any municipal official, and by similar investigations may secure information upon any matter. In conducting such investigations, the Commission or any committee thereof, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the Commission or the chairman of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas or other process. If any witness shall refuse to testify to any facts within his knowledge or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, before the Commission, or any such committee, the Commission shall have the power to cause the witness to be punished for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution, except for perjury committed upon such inquiry.

Section 57. The Commission shall appoint a City Manager who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments. He shall be appointed without regard to his political beliefs and may or may not be a resident of the municipality when appointed. He shall hold office at the will of the Commission.

Section 58. The powers and duties of the City Manager shall be:

- (a) To see that the laws and ordinances are enforced;
- (b) To appoint and, except as herein provided, remove all directors of departments and all subordinate

officers and employees in the departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments to be subject to the civil service provisions of this Act;

(c) To exercise control over all the departments and divisions created herein or that may hereafter be created by the Commission;

(d) To attend all meetings of the Commission with the right to take part in the discussions, but having no vote;

(e) To recommend to the Commission for adoption such measures as he may deem necessary or expedient;

(f) To keep the Commission fully advised as to the financial condition and needs of the city; and

(g) To perform such other duties as may be prescribed by this Act or be required of him by ordinance or resolution of the Commission.

Section 59. The City Manager shall receive such salary as may be fixed by ordinance of the Commission, but such salary shall not be decreased during the term of office that the City Manager is appointed for.

Salary of City Manager.

Section 60. The City Manager may, without notice, cause the affairs of any department or the conduct of any officer or employee, to be examined. Any person or persons appointed by the City Manager to examine the affairs of any department or the conduct of any officer or employee, shall have the same power to compel the attendance of witnesses and the production of books and papers and other evidence, and to cause witnesses to be punished for contempt as is conferred upon the Commission by this Act.

May cause examinations of departments, officers, etc.

Powers in conducting examinations.

Section 61. The following administrative departments are hereby established by this Act:

Administrative departments.

1. Department of Law;
2. Department of Public Service;
3. Department of Public Welfare;
4. Department of Public Safety;
5. Department of Finance.

The Commission may by ordinance discontinue any or several departments and determine, combine and distribute the functions and duties of these departments and subdivisions thereof.

Power of commission regarding.

Section 62. The City Manager shall appoint a director for each department, as specified herein or as specified by ordinance of the Commission, who shall serve

Directors of departments appointed and removed by whom.

Powers and
duties of direc-
tors.

until removed by the City Manager or until his successor is appointed and has qualified. Each director shall conduct the affairs of his department in accordance with the rules and regulations made by the City Manager and shall be responsible for the conduct of the officers and employees of his department, for the performance of its business, and for the custody and preservation of the books, records, papers and property under its control. Subject to the supervision and control of the City Manager in all matters, the director of each department shall manage the department.

Municipal Plan
Board.

Section 63. The Commission may appoint a Municipal Plan Board and upon the request of the City Manager shall appoint advisory boards. The members of such boards shall serve without compensation and their duty shall be to consult and advise with the various departments. The duties and powers thus created shall be prescribed by ordinance.

Department of
Law.

Qualifications
and duties of
head thereof.

Section 64. Department of Law. The head of the Department of Law shall be an attorney at law, who has been admitted to practice in the State of Montana, and shall be known as the City Attorney. He shall be the legal advisor of and attorney and counsel for the municipality, and for all the officers and departments thereof in matters relating to their official duties. He shall prosecute and defend all suits for and in behalf of the municipality, and shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof. He shall have such other duties and authority as is now conferred upon the City Attorney by existing laws. He shall have such number of assistants as the Commission by ordinance may authorize.

Assistants.

Department of
Public Service.

Duties and
powers.

Section 65. Department of Public Service. Subject to the control and supervision of the City Manager in all matters, the Director of Public Service shall manage and have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways; of sewers, drains, ditches, culverts, canals, streams and water courses; of boulevards, squares and other public places and grounds belonging to the municipality or dedicated to public use, except parks and play grounds. He shall manage market houses, sewerage disposal plants and farms, and all public utilities of the municipality. He

shall have charge of the enforcement of all obligations of privately owned or operated public utilities enforceable by the municipality. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of waste; the preservation of contracts, papers, plans, tools and appliances belonging to the municipality and pertaining to the department.

Section 66. Department of Public Welfare. Subject to the supervision and control of the City Manager in all matters, the Director of Public Welfare shall manage all charitable, correctional and reformatory institutions and agencies belonging to the municipality; the use of all recreational facilities of the municipality including libraries, parks and play-grounds. He shall have charge of the inspection and supervision of public amusements and entertainments. He shall enforce all laws, ordinances and regulations relative to the preservation and promotion of the public health, the prevention and restriction of disease, the prevention, abatement and suppression of nuisances, and the sanitary inspection and supervision of the production, transportation, storage and sale of food stuffs. He shall cause a complete and accurate system of vital statistics to be kept. In time of epidemic, or threatened epidemic, he may enforce such quarantine regulations as are appropriate to the emergency. The Director of Public Welfare shall provide for the study of and research into causes of poverty, delinquency, crime and disease and other social problems in the community and shall by means of lectures and exhibits, promote the education and understanding of the community in those matters which affect the public welfare.

Department of
Public Welfare.

Duties and
powers.

The Health Officer of the municipality shall be under the direction and control of the Director of Public Welfare and shall enforce all ordinances and laws relating to health and shall perform all duties and have all powers provided by general law relative to the public health to be exercised in municipalities by health officers; provided that regulations affecting the public health additional to those established by general law and for the violation of which penalties are imposed, shall be enacted by the Commission and enforced as provided herein.

Health officer.

Duties and
powers.

Enactment of
additional regu-
lations regard-
ing public
health.

Section 67. Department of Public Safety. Subject to the supervision and control of the City Manager in all

Department of
public safety.

Director of to be executive head of division of police and fire.

Other duties and powers.

Chief of police to have exclusive control of what.

Under what rule and regulations.

Police force composed of whom.

Additional patrolmen may be appointed when and by whom.

Written authority of Director of Public Safety required for special police force.

Fire chief, authority and duties.

Right of chief of police and fire chief to suspend members of force.

Duty of chief of the division when member has been suspended.

matters, the Director of Public Safety shall be the executive head of the division of police and fire. He shall also be the chief administrative authority in all matters affecting the inspection and regulation of the erection, maintenance, repair and occupancy of buildings as may be ordained by the Commission or established by the general law of the State of Montana. He shall also be charged with the enforcement of all laws and ordinances relating to weights and measures.

The Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police force, under such rules and regulations as the Director of Public Safety may prescribe. The police force shall be composed of a chief of police and such officers, patrolmen and other employees as the City Manager may determine. In case of riot, emergency, at time of elections or similar occasions, the Director of Public Safety may appoint additional patrolmen and officers for temporary service who need not be in the classified service.

No person shall act as special policeman, special detective, or other special police officer for any purpose whatsoever, except upon the written authority of the Director of Public Safety. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time.

The Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the fire force under such rules and regulations as the Director of Public Safety may prescribe. The fire force shall be composed of a chief and such other officers, firemen and employees as the City Manager may determine. In case of riot, conflagration or emergency, the Director of Public Safety may appoint additional firemen and other officers for temporary service who need not be in the classified service.

The Chief of Police and Fire Chief shall have the right to suspend any of the officers and employees in their respective divisions, who may be under their management and control, for incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause. If any officer or employee be suspended, as herein provided, the chief of the division concerned shall forthwith in writing, certify the fact, together with the cause

for the suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal, and such judgment in the matter shall be final, except as may be provided in the rules and regulations of the Civil Service Board. The Director of Public Safety in any such investigation, shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers as is conferred upon the Commission.

Judgment may be.

Power of director to administer oaths and secure attendance of witnesses.

The City Manager shall have the exclusive right to suspend the Chief of Police and the Fire Chief for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If either of such chiefs be so suspended, the City Manager shall forthwith certify the fact, together with the cause of suspension, to the Commission, who within five (5) days from the date of receipt of such notice, shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

City Manager has power to suspend chief of police and fire chief when.

Certificate of fact by City Manager and proceedings.

Commission may provide relief for disabled or injured policemen or firemen.

What general laws not affected.

The Commission may provide by general ordinance for the relief out of the police or fire funds, of members of the division of police and fire temporarily or permanently disabled in the discharge of their duty. Nothing herein shall impair, restrict or repeal any provision of general law authorizing the levying of taxes to provide for firemen, police, and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

Section 68. Department of Finance. The duties of the Director of Finance shall include the keeping and supervision of all accounts and the custody of all public money of the municipality; the purchase, storage and distribution of supplies needed by the various departments; the making and collection of special assessments; the issuance of licenses; the collection of license fees and taxes and such other duties as the Commission may, by ordinance, require.

Department of Finance, and duties of director.

He shall install and have supervision over the accounts of all the departments and offices of the municipality. Whenever practicable, the books of financial accounts shall be kept in the office of the Department of Finance. He shall require daily departmental reports of money receipts and the disposition thereof; and shall require of each, in such form as may be prescribed, current finan-

Powers and duties.

cial and operating statements exhibiting each transaction and the cost thereof.

Upon the death, resignation, removal or expiration of the term of any officer, he shall examine the accounts of such officer and report his findings to the City Manager.

Accounting procedure to be devised and maintained.

Accounting procedure shall be devised and maintained for the municipality adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values, including cash receipts and disbursements; and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed support thereof as may be necessary to show the full effect of such transactions for each fiscal year upon the finances of the municipality and in relation to each department of the municipal government, including distinct summaries and schedules for each utility publicly owned and operated.

Duties regarding special assessments and improvements.

He shall have charge of the preparation and certification of all special assessments for public improvements; the mailing of notices of such assessments to property owners and all other duties connected therewith; the collection of such assessments as are payable directly to the municipality and the preparation and certification of all unpaid assessments to the county treasurer for collection. He shall issue all licenses and collect all fees therefor and shall pay the same into the Treasury in the manner provided by ordinance.

Licenses.

Approval of vouchers for claims.

No warrant for the payment of any claims shall be issued unless such claim shall be evidenced by a voucher approved by the head of the department for which the indebtedness was incurred and countersigned by the City Manager. Before issuing such voucher, the supplies and material delivered, or work done, shall be duly inspected and certified to by the head of the proper department or office, or by a person designated by him. The head of each department or office shall require proper time reports from all service rendered to be certified by those having cognizance thereof, to serve as a basis for the preparation of pay-roll vouchers. Each director of a department and his surety shall be liable to the municipality for all loss or damage sustained by the municipality, by reason of the negligent or corrupt approval of any claim against the municipality in his department. Prior to the drawing of a warrant for the payment of any voucher or claim, the Director of Finance may at his dis-

Time reports.

Liability of director and surety.

Investigation may be had before warrant is drawn.

cretion cause an investigation or inspection to be made by a person designated by him, and shall have power to summon persons and examine them under oath or affirmation, which oath or affirmation he may administer.

The Director of Finance shall be the custodian of all public money of the municipality and all other public money coming into his hands. He shall keep and preserve such money in the place or places determined by ordinance or by the provisions of any law applicable thereto. Except as otherwise provided in this Act, he shall collect, receive and disburse all public money of the municipality upon warrant, and shall also receive and disburse all other public money coming into his hands, in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

Shall be custodian of all public monies.

Money to be kept where.

Shall collect and disburse money how.

The Director of Finance shall, in manner provided by ordinance, purchase all supplies for the municipality, sell all real and personal property of the municipality not needed or unsuitable for public use or that may have been condemned as useless by the director of a department. He shall have charge of such store rooms and store houses of the municipality as may be provided by ordinance, in which shall be stored all supplies and materials purchased by the municipality and not delivered to the various departments.

To purchase all supplies.

Charge of store-houses.

He shall inspect all supplies delivered to determine quality and quantity and conformance with specifications, and no voucher shall be honored unless the accompanying invoice shall be endorsed as approved.

To inspect supplies.

He may require from the director of each department at such times as contracts for supplies are to be let, a requisition for the quantity and kind of supplies to be paid for from the appropriations of the department.

May require requisition when and from whom.

Upon certification that funds are available in the proper appropriations, such goods shall be purchased and shall be paid for from funds in the proper department for that purpose. However, this procedure shall not prejudice the Director of Finance from purchasing goods for cash to the credit of the stores account, to be furnished the several departments on requisition, goods so furnished to be paid for by the department furnished therewith by warrant made payable to the stores account.

Goods may be purchased when.

Warrants in payment for goods.

He shall not furnish any supplies to or purchase any supplies for any department unless there be to the credit of such department an available appropriation balance in

Shall not purchase for a department, unless.

Orders to be approved by whom.

excess of all unpaid obligations sufficient to pay for such supplies.

Competition to be allowed.

Before making any purchase or sale, the Director of Finance shall give opportunity for competition, all proposals to be upon precise specifications, and under such rules and regulations as the Commission shall establish. Each order of purchase or sale, to be approved and countersigned by the City Manager or his deputy.

Purchases in cases of emergency.

In cases of emergency purchases may be made without competition, if a sufficient appropriation has theretofore been made against which such purchases may lawfully be charged. In such cases, a copy of the order issued, shall be filed with the Director of Finance, together with a certificate by the head of the department, stating the facts of the emergency. A copy of this certificate shall be attached to and filed with the voucher covering payment for the supplies. The Director of Finance shall have such assistants and force of office employees as may be necessary to properly carry out his duties under the provisions of this Act. If it is found desirable, he may divide his office into divisions presided over by the following officers: Accountant, Treasurer and Purchasing Agent.

Assistants and office force.

Sinking fund trustees shall consist of whom. Officers.

Section 69. The members of the Commission, the City Manager and the Director of Finance, shall constitute the Sinking Fund Trustees. The Mayor shall be the President and the Director of Finance shall be the Secretary of the Trustees of the Sinking Fund. The Trustees of the Sinking Fund shall manage and control the Sinking Fund in the manner provided by laws of the State of Montana or by ordinance.

Management of the sinking fund.

Public advertisement shall be in what newspaper.

Section 70. All public advertising or publication mentioned as being necessary under the provisions of this Act, shall be in a daily newspaper of general circulation within the municipality, if there be such, otherwise in a weekly newspaper published therein, and shall be done by contract, or in a journal published by the municipality as may be determined by ordinance. If such contract shall be with a newspaper, it shall be entered into only after opportunity has been given for competition under such rules and regulations as the Commission may establish and for a term not longer than one year.

To be done by contract or in municipal journal.

How and when contract may be entered into.

Limit of amount of contract not approved by City Manager.

Section 71. No contract involving an expenditure of more than Two Hundred and Fifty Dollars (\$250.00) for material or supplies, shall be awarded, except upon the approval of the City Manager and the Commission.

Section 72. The Commission shall appoint a Police Judge who shall have the power and authority now conferred by existing laws.

Police judge to be appointed.

Section 73. The Commission shall appoint three electors of the municipality as a Civil Service Board; one to serve for two years, and one for four years and one for six years, to take office on the first day of January after the municipality comes under the provisions of this Act, or as soon thereafter as appointed and qualified. Thereafter members of the Civil Service Board shall be appointed to serve for six years and until their successors have been appointed and have qualified. Members of the Board shall not hold any other public office. The Commission may remove any member of the Board upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. Any vacancy shall be filled by the Commission for the unexpired term.

Appointment of Civil Service Board and terms of office.

Terms of future appointed members.

Commission may remove any member how.

Vacancies filled how.

Immediately after appointment, the Board shall organize by electing one of its members chairman. The Board shall appoint a Chief Examiner who shall also act as Secretary. The Board may appoint such other subordinates as may by appropriation be provided for.

Organization of Board.

Section 74. The Civil Service of a municipality is hereby divided into the unclassified and the classified service.

Classified and unclassified service.

1. The unclassified service shall include:

Unclassified service to include.

- (a) All officers elected by the people;
- (b) The City Manager;
- (c) The heads of departments and heads of divisions of departments and members of appointive Boards;
- (d) The deputies and secretaries of the City Manager and one assistant or deputy, and one secretary for each department, and the Clerk of the Commission.

2. The Classified service shall comprise all positions not specifically included in this Act in the unclassified service. There shall be in the classified service, three classes to be known as the competitive class, the non-competitive class and the labor class.

Classified service shall include whom.

Three classes or classified service.

- (a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examination;

Competitive class.

Non-competitive class.

- (b) The non-competitive class shall consist of all positions and employment requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character. No competitive examinations will be given for these positions, but the past achievements of the applicant will be considered;

Labor class.

- (c) The labor class shall include ordinary unskilled labor, which is employed by the year.

Board to adopt rules and regulations providing, what.

Section 75. The Board, subject to the approval of the Commission, shall adopt, amend and enforce a code of rules and regulations, providing for appointment and employment in all positions in the classified service, based on merit, efficiency, character and industry, which shall have the force and effect of law; shall make investigations concerning the enforcement and effect of this chapter and of the rules adopted. It shall make an annual report to the Commission.

Other duties.

Chief examiner to be employment officer of whom.

Section 76. The Chief Examiner shall be the employment officer of all municipal employees coming under the classified service. He shall provide examinations in accordance with the regulations of the Board and maintain lists of eligibles of each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled by him from such eligible lists upon requisition from and after consultation with the City Manager. As positions are filled, the employment officer shall certify the fact, by proper and prescribed form, to the Director of Finance and the director of the department in which the vacancy exists.

Shall fill positions how.

Certificate to Financial Director.

Promotions.

Section 77. The Board shall provide for promotion to all positions in the classified service, based on records of merit, efficiency, character, conduct and seniority.

Probation before appointment or promotion.

Section 78. An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within the said period of six months, upon the recommendation of the head of the department in which said probationer is employed, with the approval of the majority of the Board.

Written specifications must be given when employee is discharged or reduced in rank or pay.

Section 79. An employee shall not be discharged or reduced in rank or compensation until he has been presented with the reasons for such discharge or reduction, specifically stated in writing, and has been given an op-

portunity to be heard in his own defense. The reason for such discharge or reduction and any reply in writing thereto by such employee, shall be filed with the Board.

Section 80. Any employee of any department in the municipality in the classified service who is suspended, reduced in rank, or dismissed from a department by the director of that department or the City Manager, may appeal from the decision of such officer to the Civil Service Board, and such Board shall define the manner, time and place, in which such appeal shall be heard. The judgment of such Board shall be final.

Appeal to Civil Service Board in case of suspension, reduction in rank or discharge.

Judgment of Board final.

Section 81. Any person in the employ of a municipality, holding positions in the classified service, at the time that the municipality comes under the provisions of this Act, shall, unless their positions be abolished, retain same until discharged, reduced, promoted or transferred in accordance herewith.

Persons holding classified service position at time city comes under Act to continue in office until when.

Section 82. The Director of Finance or other public disbursing officer shall not pay any salary or compensation for services to any person holding a position in the classified service unless the payroll or account for such salary or compensation shall bear the certificate of the Board, by its Secretary, that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this Act of the rules established thereunder.

Compensation not to be paid persons holding classified positions when.

Section 83. In any investigation conducted by the Board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Power of board to procure testimony in investigation.

Section 84. No person in the classified service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color or religious beliefs. No officer or employee of the municipality shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessments, subscription or contribution for any political party or political purpose whatever. No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote or to express privately his opinion.

Political opinion or affiliations not to influence appointment, removals, etc., in classified positions.

No officer or employee shall receive or solicit political contributions.

Shall not take part in political matters.

Section 85. The Board subject to the approval of the Commission, shall by ordinance, determine the penalties

Board to fix penalties for violation of Civil Service provision.

for the violations of the Civil Service provisions of this Act.

Commission to fix salaries and make appropriations for Civil Service.

Section 86. The salaries of the Board and its employees shall be determined by the Commission and a sufficient sum shall be appropriated each year to carry out the civil service provisions of this Act.

Local improvements; power of the commission concerning.

Section 87. The Commission shall have the power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property, as provided by General Law. Whenever the payments for such improvements are to extend over a period of years and are to be paid for in installments, the proceedings and all things done in connection with such improvements are to be done in strict conformity with the provisions of Chapter Eighty-nine (89) of the Acts of the Thirteenth Legislative Assembly as amended by Chapter (142) of the Acts of the Fourteenth Legislative Assembly.

Improvements to be done in compliance with what laws.

Power and duties of Director of Public Services concerning gas, water, sewer and other connections.

Section 88. The Director of Public Service shall have authority to compel the making of sewer, water, gas and other connections whenever, in view of the contemplated street improvements or as a sanitary regulation, sewer, water, gas or other connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person, designated by the Director of Public Service, in the manner provided for the service of summons in civil actions. Non-residents of the municipality, or persons who cannot be found, may be served by one publication of such notice in a daily newspaper of general circulation in the municipality, if such there be, and if not, by one publication in a weekly newspaper. The notice shall state the time within which such connections shall be constructed; and if they be not constructed within the said time, the work may be done by the municipality and the cost thereof, together with a penalty of five per cent (5%) assessed against the lots and lands for which such connections are made. Said assessments

Notice to property owners.

Service of notice.

Notice to state.

shall be certified and collected as other assessments for street improvements. The actual work of making such connections, shall be done under such regulations as are provided for by ordinance.

Connections to be made how.

Section 89. Any owner of lots or grounds within the municipality, who subdivides or lays them out for sale, must cause to be made an accurate survey and plat thereof, conforming in all things to the provisions of Part 4, Title 3, Chapter 6, Sections 3465 to 3478 inclusive of the Revised Codes of Montana, 1907.

Surveys and plats of land subdivided for sale.

Section 90. The map or plat recorded under the provisions of the foregoing Act, shall thereupon be sufficient conveyance to vest in the municipality the fee of the parcel of land designated or intended for streets, alleys, ways, commons or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated or intended.

Map or plat to be sufficient conveyance of what to the city.

Section 91. The Director of Public Service shall be the Supervisor of Plats of the municipality. He shall see that the regulations governing the platting of all lands so as to require all streets and alleys to be of proper width, and to be co-terminous with the adjoining streets and alleys, and all other regulations are conformed with. Whenever he shall deem it expedient to plat any portion of the territory within the corporate limits, in which the necessary or convenient streets and alleys have not already been accepted by the municipality so as to become public streets, or alleys, or when any person plats any land within the corporate limits or within three miles thereof, the Supervisor of Plats shall, if such plats are in accordance with the regulations prescribed therefor, endorse his written approval thereon. No plat subdividing lands within the corporate limits, or within three miles thereof, shall be entitled to record in the recorder's office of the county without such written approval so endorsed thereon.

Supervision of plats; who shall be.

Duties.

Plats of land within city or three miles thereof not entitled to record when.

Section 92. No streets or alleys, except those laid down on such plat and bearing the approval of the Supervisor of Plats as hereinbefore provided, shall subsequently in any way be accepted as public streets, or alleys, by the municipality, nor shall any public funds be expended in the repair or improvement of streets or alleys subsequently laid out and not on such plat. This restriction shall not apply to a street or alley laid out by the municipality, nor to streets, alleys, or public grounds

Streets and alleys shall not be accepted as public streets or alleys, when.

laid out on a plat by or with the approval of the Supervisor of Plats.

Care, control, improvement, etc. of public highways and places.

Section 93. The Commission shall provide, by ordinance, for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts within the municipality, and shall cause them to be kept open, in repair, and free from nuisance.

Public highways to be improved, etc., how.

Section 94. When it deems it necessary, the Commission may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated.

Dedication of streets and alleys must be first accepted before becoming public.

Section 95. No street or alley hereafter dedicated to public use by the proprietor of ground in the municipality, shall be deemed a public street or alley, or under the care or control of the Commission, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions hereof relating to subdivisions, shall have been complied with.

Ordinances vacating, changing names of streets may include what.

Section 96. The Commission in vacating any street or part of a street, or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, alley or avenue, but before vacating any street or part thereof, or narrowing any street, the Commission shall first pass a resolution declaring its intention so to do. The City Manager shall cause notice of such resolution to be served in the manner that service of summons is required to be made in civil actions upon all persons whose property abutts upon the portion of the street affected by the proposed vacation or narrowing, and by publication once in one daily newspaper of general circulation in the municipality, if such there be, and if not, once in one weekly newspaper of like circulation, as to all persons who cannot be personally served. Said notice shall state the time and place at which objection will be heard. Unless fifty-one per cent (51%) of the affected property objects to the proposed vacation or narrowing, the Commission may by ordinance declare such vacation or narrowing, and such order of the Commission vacating or narrowing a street or alley which has been dedicated to public use by the proprietor, shall to the extent that it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Commission, but the right of way and easement therein of any lot owner shall not be impaired thereby.

Resolution declaring intentions.

Notice to interested persons.

Unless 51 per cent objects.

Section 97. Property within the corporate limits of the municipality, may be appropriated for any public or municipal purpose, and to the full extent of the authority granted by the constitution of the state, such appropriation shall be made as herein provided. By such appropriation, the municipality may acquire a fee simple title, or any less estate, easement or use. Appropriations of property outside of the corporate limits of the municipality, shall be made according to the requirements of, and as provided by general law.

Section 98. Every ordinance or resolution, passed by the Commission, granting any franchise or the right to occupy or use the streets, highways, bridges or public places in the municipality for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the Clerk of the Commission for public inspection for at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or other public places in any such municipality, shall be granted, renewed or extended, except by ordinance, and every franchise or grant for interurban or street railways, gas or water works, electric light, or power plant, heating plant, telegraph or telephone system, or other public service utilities, must be authorized or approved by a majority of the electors voting thereon at a general or special election, as provided in Section 3291, 3292 and 3293, Revised Codes of Montana, 1907.

Section 99. The Commission may, by ordinance, renew any grant for the construction or operation of any utility, at its expiration, subject to petition and referendum as hereinbefore provided.

Section 100. No exclusive franchise or renewal shall ever be granted and no franchise shall be renewed before two years prior to its expiration.

Section 101. The Commission shall in any ordinance granting or renewing any franchise to construct and operate a public utility, prescribe the rate or rates to be charged for their service or product, the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interests.

Section 102. All such grants, and renewals thereof, shall reserve to the municipality the right to purchase all the property of the utility in the streets and highways of the municipality and elsewhere, as may be provided in

Franchises.
Ordinances
granting same;
requirements
concerning same.

Grants of franchises must be first approved by a majority vote of the electors.

Laws applicable.

Renewal of franchises.

No exclusive franchise shall be granted.

Rate of services to be charged shall be prescribed in public utility franchises.

Manner of use of streets, etc.

Right of purchase by city to be reserved in all such grants and renewals.

Right to condemn not to be surrendered by such grant.	the ordinance making the grant or renewal, used in or useful for the operation of the utility. Nothing in such ordinance, shall prevent the municipality from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. Upon the acquisition by the municipality of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals, shall at once terminate.
Grants and renewals terminate upon purchase.	
Commission may grant right to extend a public utility, subject to a referendum.	Section 103. The Commission may, by ordinance, grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility, outside of the territory as designated by the franchise, subject to petition and referendum as hereinbefore stated. All such extensions shall become part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the municipality applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extensions, shall expire with the original grant of the utility to which the extension was made or any renewal thereof.
Extension to be subject to what.	
Consent of street abutting property holders shall be necessary.	Section 104. No consent of the owner of property abutting on any highway or public ground, shall be required for the construction, extension and maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.
Except when.	
Fiscal year.	Section 105. The fiscal year of the municipality shall begin on the first day of January. On or before the first day of November of each year, the City Manager shall submit to the Commission an estimate of the expenditures and revenues of the municipal departments for the ensuing year. The estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager.
City Manager to submit estimates of expenditures and revenues for ensuing year.	The classification of the expenditures, shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:
Classification of expenditures.	

(a) A detailed estimate of the expenses of conducting each department as submitted by the department;

Information to be included in estimates.

(b) Expenditures for corresponding items for the last two fiscal years;

(c) Expenditures for the corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditure necessary to complete the current fiscal year;

(d) Amount of supplies and materials on hand at the date of the preparation of the invoice;

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year;

(f) Such other information as is required by the Commission or that the City Manager may deem advisable to submit;

(g) The recommendation of the City Manager as to the amounts to be appropriated with reasons therefor in such detail as the Commission may direct.

A sufficient number of copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Commission for inspection by the public.

Copies of estimates.

Section 106. Upon receipt of such estimate, the Commission shall prepare an appropriation ordinance in such form as may be prescribed by ordinance or resolution. Before finally acting upon such tentative appropriation, the Commission shall fix a time and place for holding public hearings upon the tentative appropriation, and shall give public notice of such hearings. Following the public hearings and before its final passage, the appropriation ordinance shall be published with a parallel comparison with the recommendation of the City Manager. The Commission shall not pass the appropriation ordinance until ten (10) days after its publication, nor before the second Monday in January.

Appropriation ordinance to be prepared.

Public hearing before final action on ordinance.

Ordinance to be published when and with what.

To be passed when.

Section 107. If, at the beginning of the term of office of the first Commission elected under the provisions of this Act, the appropriations for the expenditures of the municipal government for the current fiscal year have been made, said Commission shall have the power by ordinance to revise, repeal or change said appropriations and to make additional appropriations.

First commission to have power to revise or change appropriation ordinances, when.

Section 108. Upon request of the City Manager, the Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved

Transfer of funds.

insufficient, or may authorize a transfer to be made between items appropriated to the same office or department.

Unexpended appropriations to revert to what funds.

Section 109. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriations.

Appropriation of accruing revenues and unused balances.

Any accruing revenue of the municipality, not appropriated as hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Commission to such uses as will not conflict with any uses for which specifically such revenues accrued.

No money to be withdrawn from treasury or obligation incurred excepting in what manner.

No money shall be drawn from the treasury of the municipality, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriation made by the Commission.

Salaries to be fixed annually by the commission.

Section 110. The Commission shall fix by annual salary, ordinance, the salary or compensation of the City Manager, the heads of departments, its own employees, except as provided by this Act, the salary or compensation of the members of the division of police and fire under the immediate control of the chief, and of members of boards in the unclassified service of the municipality.

By the City Manager.

The City Manager shall fix the number and salaries or compensation of all other officers and employees.

Grading and classifying of salaries.

The salary or compensation so fixed, shall be uniform for like service in each grade of the service as the same shall be graded or classified by the City Manager in accordance with the rules and regulations adopted by the Civil Service Board. All such salaries and rates of pay, shall be reported to the Secretary of the Civil Service Board. All fees and moneys received or collected by officers and employees shall be paid into the City Treasury.

Report to Civil Service Board.

Fees and money collected to be paid into treasury.

Fixing of bonds of clerks and employes.

Section 111. The Commission or City Manager in fixing the salary of any officer, clerk or employee, shall determine whether such officer, clerk or employee shall give a bond and the amount thereof, which bond shall be secured from a regularly accredited surety company authorized to do business under the laws of Montana. Premiums on such bonds, shall be paid by the municipality.

City to pay premiums of such bonds.

Persons holding office at time Act goes into effect.

Section 112. All persons holding office at the time this Act goes into effect, shall continue in office and the performance of their duties until provisions shall have

been otherwise made in accordance with the provisions of this Act for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be abolished.

The powers which are conferred and the duties which are imposed upon any officer, board or commission or department of the municipality under the laws of the state, shall, if such officer, board, commission or department is abolished by this Act, be thereafter exercised and discharged by the officer, board, commission or department upon whom are imposed corresponding functions, duties and powers under the provisions of this Act.

Powers and duties imposed by present laws.

Section 113. Every officer of the municipality, shall before entering upon the duties of his office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the Commission, that he will in all respects faithfully discharge the duties of his office.

Official oath.

Section 114. All contracts entered into by the municipality for its benefit, prior to the taking effect of this Act, shall continue in full force and effect. All public work begun prior to the taking effect of this Act, shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under the laws in force at the time this Act takes effect, may be carried to completion in accordance with the provisions of such laws.

Continuation of existing contracts and public work.

Public improvements which are to be completed.

Section 115. The Commission shall have the power to provide, by ordinance, that on any public work carried on by the municipality, whether done by contract or otherwise, not to exceed eight hours shall constitute a day's work.

Eight-hour day may be established.

Section 116. The Commission shall have power to provide, by ordinance, for assessing against the abutting property the cost of removing from the sidewalks all accumulation of snow and ice, and for assessing against the property the cost of cutting and removing therefrom obnoxious weeds and rubbish.

Ordinances may provide for removal of snow and ice from sidewalks.

Section 117. Any municipality which shall have operated for more than two years under the provisions of this Act, may abandon such organization hereunder and accept the provisions of the general law of the state applicable to municipalities of its population.

This plan may be abandoned when and how.

Upon the petition of not less than twenty-five per cent (25%) of the electors of such municipality registered for the last preceding general election, a special election

Calling of a special election to abandon plan.

shall be called, at which the following proposition only shall be submitted:

Question to be submitted.

“Shall the (city or town) of (name of city or town) abandon its organization under (name of this Act) and become a (city or town) under the general law governing (cities or towns) of like population; or if formerly organized under special charter, shall resume said special charter?”

Officers to be elected when plan is abandoned.

If the majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general laws of the state for municipalities of like population, and upon the qualification of such officers, such municipality shall become a municipality under such general law of the state, but such change shall not in any manner or degree affect the property, rights or liabilities of any nature of such municipality, but shall merely extend to each change in its form of government.

Change of plan not to effect, what.

Determination of sufficiency of petition, ordering of election and declaring of result.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared, as provided for by the provisions of this Act, insofar as the provisions thereof are applicable. Whenever the form of government of a municipality is determined by a vote of the people under the provisions of this section, the same question shall not be submitted again for a period of two years, and any ordinance adopted by the vote of the people shall not be repealed or the same question submitted for a period of two years.

No election for same purpose to be held for a period of two years.

Referendum ordinance cannot be repealed for two years.

What laws are continued by this Act.

Section 118. All Acts and parts of Acts and all laws now in force or hereafter enacted relative to municipal corporations, are hereby continued in full force and effect and shall be considered and construed as not repealed by this Act, except insofar as the same may be in conflict or inconsistent with the provisions of this Act.

Repealing provision.

Acts not repealed by this Act.

Section 119. All laws and parts of laws in conflict herewith are hereby repealed; provided, however, that this Act shall not repeal or modify any of the provisions of an Act approved March 4, 1913, entitled, “An Act making the Board of Railroad Commissioners of the State of Montana ex-officio a Public Service Commission for the regulation and control of certain public utilities,” etc., or any amendment or amendments of said Act, or Section 4400 of the Revised Codes of 1907, and neither shall this Act in any manner curtail or impair the power of authority of said Public Service Commis-

sion and any order made, action taken, or regulation provided, by said Commission shall supersede and nullify any order, regulation, ordinance or other action authorized by this Act in conflict with any such order, regulation, or action, of said Public Service Commission.

Section 120. This Act shall become effective immediately upon its passage and approval.

Approved March 5th, 1917.

CHAPTER 153.

“An Act to Amend and Re-Enact Sections 1, 4, 11, 30, 35, and 48 of Chapter 146 of the Montana Session Laws, 1909; and Sections 2 and 11 of Chapter 145 of the Montana Session Laws, 1915, Relating to the Creation, Organization, Government, and Change in the Area of Irrigation Districts.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Section amended.

“Section 1. WHO MAY ORGANIZE DISTRICT.—A majority in number of the holders of title, or evidence of title, to lands susceptible of irrigation from the same general source, and by the same general system of works, such holders of title or evidence of title, also representing a majority in acreage of said lands, may propose the establishment and organization of an irrigation district under the provisions of this Act. Irrigation Districts may be formed in order to co-operate with the United States under the federal reclamation laws for purposes of construction of irrigation works including drainage works, or for purchase, extension, operation, or maintenance of constructed works, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands. When so organized such district shall have the powers conferred, or that may hereafter be conferred, by law upon such irrigation district. The county assessment roll or rolls for the year last preceding, or the certificate of the County Clerk and Recorder, or the certificate of the Register of the State Land Office, shall be sufficient evidence of title for the purpose of this Act. Where lands have been purchased from the State and part or all of the purchase money

Who may organize an irrigation district.

Special purposes for which a district may be formed.

What sufficient evidence of title under this Act.

has been paid but the patents or deeds from the State to such lands have not been issued, the receipt or receipts held by the purchasers, or the certificate of the Register of the State Land Office showing the payments on account of purchase, shall be evidence of title to such lands, under this Act. For the purposes of this Act, entrymen of public lands of the United States within the district shall be deemed to be holders of evidence of title and shall share all the privileges and obligations of owners of land within the district, subject to the provisions of the Act of Congress approved August 11, 1916, entitled "An Act to promote the reclamation of arid lands."

Entrymen on public lands deemed holders of title.

Section amended.

Section 2. That Section 4 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

District court shall hear petition. when.

"Section 4. HEARING ON PETITION AND APPOINTMENT OF COMMISSIONERS.—At the time specified in the notice mentioned in the preceding section, the District Court in which the petition aforesaid is filed shall hear the petition, but may adjourn such hearing from time to time, not exceeding three weeks in all, and may continue the hearing for want of sufficient notice or other good cause. The Court, upon application of the petitioners, or any other person or persons interested, shall permit the petition to be amended, and may order further or additional notice to be given. Upon such hearing all persons interested whose lands or rights may be damaged or benefited by the organization of the district or the irrigation works or improvements therein or to be acquired or constructed as herein after set forth, may appear and contest the necessity or utility of the proposed district, or any part thereof, and the contestants and petitioners, may offer any competent evidence in regard thereto.

When petition may be amended.

Who may appear and contest.

Duty of court to determine what.

It shall be the duty of the Court to hear and determine whether the requirements of Sections one (1) two (2) and three (3) of this Act, have been complied with and for that purpose shall hear all competent and relevant testimony that may be offered.

Changes in district which court may make. Lands which shall not be excluded.

The Court may make such changes in the proposed district as may be deemed advisable, or as fact, right and justice may require; but shall not exclude from such proposed district any land which is susceptible of irrigation from the same general source and by the same general system of works applicable to the other lands of such proposed district if the owner or owners of such

lands shall file in such District Court a written request that such lands be included in such district; nor shall any lands which will not in the judgment of the Court, be benefited by irrigation by means of said system of works, nor shall lands already under irrigation, nor lands having water rights appurtenant thereto, nor lands that can be irrigated from sources more feasible than the district system, be included within such proposed district, unless the owner of such lands shall consent in writing to the inclusion of such lands, in the proposed district, as hereinafter provided, and to this end the Court may subdivide lands included within the petition or proposed at the hearing to be included within such district into forty acre tracts or smaller subdivisions thereof, Provided, however, that where a district is formed to co-operate with the United States, lands previously irrigated and having water-rights appurtenant thereto may be included within the district boundaries if it shall appear to the Court that the same will be benefited thereby. And provided further, that all lands having water rights appurtenant thereto which are served by a system of irrigation works supplying more than Ten Thousand acres of land, may, in the discretion of the Court, be included in the proposed district on petition of at least sixty-five per cent both in number and acreage of the holders of title or evidence of title to the land having water rights appurtenant thereto and served by the same system of irrigation works. Lands of the district need not be contiguous, and any particular tract or tracts, irrespective of their location in the district, may be excluded.

Lands which shall not be included without written consent of owner.

Court may subdivide lands how.

Proviso.

Irrigated lands which may be included upon petition of 65 per cent of owners.

Must not be contiguous.

If, on final hearing, it is found by the Court that the petition does not substantially comply with the aforesaid requirements of this Act, or that the facts therein stated are not sustained by the evidence, then the Court shall dismiss the petition at the cost of the petitioners, and shall make and enter an order to that effect; but if it is found that said petition substantially complies with said requirements and that the facts therein stated are sustained by the evidence, then the Court shall make and enter an order:

Court shall dismiss petition when.

When petition substantially complies with requirements, etc.

(1) Setting forth said findings and allowing said petition.

Order to be made by the court.

(2) Establishing the proposed district.

(3) Giving accurate descriptions of the lands included within the proposed district.

(4) Dividing the proposed district into three, five or seven divisions, as may be advisable in view of the size of the district.

(5) Appointing as commissioner one competent person for each division of the district having the qualifications as provided by Section 5 of this Act.

Findings and order to be conclusive of what.

Certified copy of order to be filed for record.

Lands to be omitted from copy.

District so established to be a public corporation.

Section amended.

Board of county commissioners to be the corporate authority of the irrigation district.

Powers and duties.

Such finding and order shall be conclusive upon all the owners of lands within the district that they have assented to and accepted the provisions of this Act; and shall be final unless appealed from to the Supreme Court within 60 days from the date of entry of such order. A copy of such order duly certified to by the Clerk of said Court, shall be filed for record within thirty days after such order is made and entered with the County Clerk and Recorder of the county wherein the lands included within such district are situated; provided, however, there shall be omitted from such copy lands not situated in the county in which such copy is filed.

Every irrigation district so established hereunder is hereby declared to be a public corporation for the promotion of the public welfare, and the lands included therein shall constitute all the taxable and assessable property of such district for the purposes of this Act.

Section 3. That Section 2 of Chapter 145, Montana Session Laws, 1915, is hereby amended to read as follows:

“Section 2. THE BOARD OF COMMISSIONERS—THEIR STATUS, POWERS, AND DUTIES.—The Board of Commissioners of every irrigation district established and organized under and by virtue of this Act shall constitute the corporate authority of said district. They shall have the power, and it shall be their duty to manage and conduct the business and affairs of the district; adopt a corporate seal therefor; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The Board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which in the judgment of the Board may be deemed best suited for such location. Such Board shall have power and authority to appropriate water in the name of the district, and to acquire by purchase water and water rights, and to acquire by purchase, condemnation, or other legal means, lands for rights-of-way, lands for reservoirs for

the storage of needful waters, lands for dam sites, and such other lands as may be necessary for the construction, use, maintenance, repairs, and improvement of such system of works, and also to acquire by purchase canals and works already constructed, or in course of construction and to contract with the owner or owners of such canals and works so purchased and in course of construction for the completion thereof. But no purchase of any water, or water rights, or canals, or reservoirs, or reservoir sites or irrigation works, or other property of any nature or kind for a price in excess of Ten Thousand Dollars shall be final or binding on the district, nor shall the purchase price thereof be paid without the written consent or petition of at least a majority in number and acreage of the holders of title, or evidence of title to the lands within the district. For the purpose of acquiring control over government land within the district and of complying with the provisions of the Act of Congress of August 11, 1916, they shall have authority to make such investigations, and based thereon, such representations and assurances to the Secretary of the Interior as may be requisite. Said Board may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary works for the delivery and distribution of water therefrom; or for the assumption, as principal or guarantor of indebtedness to the United States on account of district lands, under the provisions of the Federal Reclamation Act and all Acts amendatory thereof or supplementary thereto and the rules and regulations established thereunder; or the Board may contract with the United States for a water supply under any Act of Congress providing for or permitting such contract, and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the District may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the District to the United States under any such contract, the interest on said bonds of the District, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the District are not so deposited it shall be the duty of the Board of Commissioners to include as part of any levy or assessment provided for in Section 46, an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the Board may accept on behalf of the District, appointment

Power to comply with congressional Act of August 11, 1916.

To contract with the United States.

Bonds may be deposited with the United States.

May pay from tax assessment what money to the United States.

May accept appointment to collect money for the United States.

General powers
to act under fed-
eral statutes.

Further powers.

Legal proceed-
ings.

Rules and By-
Laws.

Distribution of
water.

Orders and reso-
lutions to be
adopted by a ma-
jority vote.

of the District as fiscal agent of the United States, or authorization of the District by the United States, to make collections of moneys for or on behalf of the United States in connection with any Federal Reclamation project, whereupon the District shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said Board shall have full power to do any and all things required by the Federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the Federal Government in regard thereto, including the power to require the prompt payment of all charges as a prerequisite to water service. Said Board may also construct and maintain the necessary dams, reservoirs and works for the collection and distribution of water for the District, and do any and every lawful act necessary to be done in order that sufficient water may be furnished to each land owner in the District for irrigation purposes. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of the District, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this Act, or acquired in pursuance thereof, and in all courts, suits, or proceedings, the said Board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. The said Board may adopt rules and by-laws governing the calling and holding of meetings of the Board, the manner of transacting business thereat, and the publishing or posting of the orders, resolutions, and proceedings of the Board. It shall be the duty of said Board to pass or adopt by-laws, rules and regulations for the apportionment and distribution of water to the lands of the District, and for the protection and preservation of the works and other property of the district, which shall be printed in convenient form for distribution in the District. Said Board shall have power generally to do and perform all such other acts as shall be necessary or appropriate to fully carry out the purposes of this Act. All orders and resolutions shall be passed or adopted by

a majority of the Commissioners by a yea and nay vote, to be entered upon the records of the Board. For the purpose of purchasing or constructing necessary irrigation canals or works or acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this Act, the Board of Commissioners of any such irrigation district must as soon after such district has been organized, as practicable, formulate a general plan for such purchase, construction, and acquisition of such property, and shall cause such surveys, examinations, and plans to be made as shall demonstrate the practicability of such plan, the amount of land that can be irrigated thereunder, and furnish the proper basis for an estimate of the cost of carrying out such plan and the value of any canal, works, property, or system of irrigation proposed to be purchased. All such surveys, examinations, maps, plans, and estimates shall be made by or under the direction and supervision of an irrigation engineer of well known standing and competency, and all such necessary surveys, examinations, maps, plans, and estimates must be certified to by him. When all such are completed, he shall submit them with all proper field notes to and file them with the Board of Commissioners accompanied by his report and recommendation thereon. This report shall include a discussion of said plans by him submitted to said Board, of the question of water supply, of the sufficiency of the works proposed to accomplish the desired results, of the practicability of the proposed system from an engineering standpoint, of the probability of being acquired or constructed within the estimate of the cost stated, and such general discussion and recommendations in regard to the engineering and financial features of the whole matter as in the judgment of such engineer shall be desirable for the information of the people of the District. Such report shall be accompanied by a map when such is necessary for a proper explanation or understanding of the same. Upon receiving such report said Board of Commissioners shall proceed to determine the amount of money necessary to be raised for the purchase or construction of said proposed property, canals, or irrigation works and system, and within ten days after arriving at such determination shall cause the Secretary of said Board to notify all persons or corporations holding title, or evidence of title, to lands within said district (ascertained as provided in Section 1 of this Act) of the filing of said report and their

General plan to be formulated for what purpose.

Irrigation engineer

Report of engineer.

Board to determine amount of money to be raised.

Notice of findings and determinations thereon.

How notice given.	determination thereon. Said notices shall be given through the United States mail by letter addressed to such persons or corporations at their last known post-office address of each person or corporation aforesaid. A certificate of the Secretary of the Board as to the fact of mailing said notice, affixed to a copy of said notice and recorded in the Record Book of said Board of Commissioners, shall be sufficient and conclusive evidence of such fact."
Section amended.	Section 4. That Section 11 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:
Call of meeting to elect commissioners.	"Section 11. FIRST ELECTION OF COMMISSIONERS, AND REGULAR ELECTIONS.—Not less than twenty days prior to the expiration of the terms of office for which the first Commissioners were appointed under the provisions of Section 4 of this act, an election shall be called and held in said district in the manner herein provided for the calling and holding of regular elections therein, at which Commissioners, one for each division of the district,—shall be chosen by the electors of the entire district. The Commissioners so elected shall hold their respective offices until the second Saturday in April of the year succeeding their election and until their respective successors are elected and qualified.
How chosen.	
Term of office.	
Regular annual election to be held when.	The regular election for commissioners in each district shall be held annually on the first Saturday in February of each year, and on the second Saturday in February next following their election the Commissioners-elect shall meet and organize as a Board by electing a president, from their number and a secretary, who may or may not be a Commissioner and who shall each hold office during the pleasure of the Board."
Organization of Board.	
Section amended.	Section 5. That Section 30 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:
Property to vest in district immediately.	"Section 30. TITLE TO PROPERTY OF DISTRICT. The legal title to all property acquired by or for any irrigation district under the provisions of this act shall immediately and by operation of law vest in such district as set forth in this act. And the Board of Commissioners is hereby authorized and empowered to hold, use, maintain, acquire, manage, occupy and possess said property as herein provided: Provided, however, that any property so acquired by the district may be conveyed to the United States in so far as the same may be needed
Power of Board over property.	
What property may be conveyed to the United States.	

for the construction, operation and maintenance of works by the United States for the benefit of the district under any contract that may be entered into with the United States pursuant to this act."

Section 6. That Section 35 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows: Section amended.

"Section 35. LANDS UNDER IRRIGATION FROM SAME OR OTHER SOURCES.—Any land already under irrigation from any source may be included in any irrigation district, either at the time of the organization of such district, or at any time thereafter, and such land shall be entitled to receive and shall be given the same amount of water necessarily used thereon at the time of such inclusion; and the canals, ditches, flumes, dams, or other works previously used to irrigate such land, may be used or supplanted either wholly or in part by the district works; provided, however, that the owner of such land, canals, ditches, flumes, dams or other works shall be entitled to compensation for any and all damage sustained by reason of the appropriation of the same, or by the construction of said district works; provided however, that lands already under irrigation, or lands having water rights appurtenant thereto, or lands which can be irrigated from sources more feasible than the district system, shall not be included within such district, unless the owner of such lands shall consent in writing to have such lands included in said district. Provided, however, that districts formed to co-operate with the United States may extend their boundaries to include such lands upon petition of the owners of two-thirds only of the acreage of the lands to be included, and the boundaries shall be susceptible of change as in Section 24 of this act provided." And provided further, that all lands having water rights appurtenant thereto which are served by a system of irrigation works supplying more than Ten Thousand acres of land, may, in the discretion of the Court, be included in the proposed district on petition of at least sixty-five per cent both in number and acreage of the holders of title or evidence of title to the land having water rights appurtenant thereto and served by the same system of irrigation works.

Land under irrigation may be included in district, when.

Compensation to owner of water and ditches taken by district.

Irrigated lands which shall not be included.

Unless owner consents in writing.

Districts formed to co-operate with the United States.

Other irrigated lands which may be included upon petition.

Section 7. That Section 11 of Chapter 145, Montana Session Laws, 1915, is hereby amended to read as follows: Section amended.

District bonds may be issued for what purposes.

Bonds to be issued and certain contracts entered into only proper petition.

Requirements of petition.

Duty of commissioners upon petition being filed.

Amount, form and provisions of bonds.

Special tax levy.

“Section 11. PETITION FOR BONDS AND ACTION THEREON.—For the purpose of providing the necessary funds for constructing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and meeting the expenses incident thereto and for the purpose of acquiring by purchase or otherwise, water rights, canals, and irrigation works, constructed or partially constructed, and for the assumption, as principal or guarantor of indebtedness to the United States on account of district lands, and for the purpose of otherwise carrying out the provisions of this act, the Board of Commissioners of any District organized hereunder may issue the negotiable coupon bonds of the District as and in the manner hereinafter provided. No bonds shall be issued by or on behalf of any irrigation district organized hereunder, and no contract shall be made with the United States as in Section 9 provided, except upon petition signed by at least a majority in number and acreage of the holders of title or evidence of title to the lands included within said District. Such petition shall be addressed to the Board of Commissioners; shall set forth the aggregate amount of bonds to be issued, and the purpose or purposes thereof; shall have attached thereto an affidavit verifying the signature and shall be filed with the Secretary of the Board of Commissioners. Upon the filing of such petition the Board of Commissioners shall by appropriate order or resolution authorize and direct the issuance of the bonds of the District to the amount and for the purpose or purposes specified in the petition; fix the numbers, denominations, and maturity or maturities of said bonds; specify the rate of interest thereon; and whether payable annually or semi-annually; designate the place of payment of said bonds and the interest coupons prescribe the forms of said bonds and interest coupons to be attached thereto; but if contract is to be made with the United States as in Section 9 provided and bonds are not to be deposited with the United States in connection with such contract, the Board of Commissioners need not authorize the issuance of bonds, or if bonds are required in addition to such contract, may authorize bonds only for the amount needed in addition to such contract; and provide for the levy of a special tax or assessment as in this Act provided on all the lands in the District for the irrigation and benefit of which said district was organized and said bonds are issued, or said contract is to be made, suf-

ficient in amount to pay the interest on and principal of said bonds when due, and all amounts to be paid to the United States under any contract between the District and the United States accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided.

Such order or resolution shall also provide for the confirmation proceedings in the district court hereinafter mentioned."

Order or resolution to also provide.

Section 8. That Section 12 of Chapter 145, Montana Session Laws, 1915, is hereby amended to read as follows:

Section amended.

"Section 12. LIENS OF BONDS.—All bonds issued hereunder, and all amounts to be paid to the United States under any contract between the district and the United States accompanying, which bonds of the district have not been deposited with the United States as in Section 9 provided, shall be a lien upon all the lands originally or at any time included in the district for the irrigation and benefit of which said irrigation district was organized and said bonds were issued; and for the benefit of which such contract between the district and the United States was made; except upon such lands as may at any time be included in such district on account of the exchange or substitution of water under the provisions of Section 36 of this act, and if any there be; and all such lands shall be subject to a special tax or assessment for the payment of the interest on, and principal of, said bonds; and all amounts to be paid to the United States under any such contract between the district and the United States, and said special tax or assessment, shall constitute a first and prior lien on the lands against which levied, to the same extent and with like force and effect as taxes levied for state and county purposes. And the lien of all bonds so issued hereunder, and all amounts so to be paid to the United States, shall, in the resolution providing for the issuance of said bonds, and the proceedings for the confirmation thereof, be apportioned upon each forty-acre tract of land, and every separately owned subdivision thereof, within said district, by dividing the total of the principal of said indebtedness by the number of acres of land within said district actually irrigable from its system and works, and every acre of such land shall bear and be assessed for its equal proportion thereof, and the interest accruing upon such proportion thereof, and any owner may

Lien of bonds and amounts to be paid Federal government.

Lands which are excepted from such lien.

Lands subject to special tax.

Lien bonds and money to be paid United States.

Apportionment of lien on each 40 acres.

Owner may pay total assessment against his land, when.

To remain liable for annual maintenance assessments.

Money to be paid into sinking fund.

When money in sinking fund may be invested.

Spread of lien in districts heretofore formed.

Surveys, maps and plats of district for distribution of lien.

Assessments to be noted on map.

Copies to be filed where.

Resolution for bond issue, levy of taxes and spread of liens, shall set forth, what.

at the time of the payment of his annual taxes on said lands pay unto the county treasurer the total sums so assessed against his said lands, with interest thereon to the end of the current year in which said payment is made, and thereupon said tract or tracts of lands so paid up in full shall be discharged from the lien of said bonds and further assessments for interest thereon, but shall remain perpetually liable to the annual assessments made for maintenance and administrative purposes, and the moneys so derived from such payments shall be placed in the sinking fund of such district for the retirement of the bonds or payment of the amounts due to the United States, and the Commissioners shall apply the same to the retirement of the bonds of the district, provided the same, as far as there are funds to retire the bonds, can be acquired for not exceeding par, and the accrued interest thereon, and to the payment of or reduction of any sums due to the United States, so far as there may be funds derived therefrom for such purpose, and when bonds cannot be so obtained, then the proceeds derived from such payments and placed in the sinking fund or funds of such district shall be invested as in this Chapter provided for, and in any district heretofore formed, where the lien of said bonds has not been so apportioned and equalized, the Commissioners of such district, by and with the consent in writing of all the owners and holders of the then outstanding bonds of said district, shall proceed to spread the lien of its outstanding bond issue or issues in accordance with this section.

For the purpose of so distributing the lien of such debt, the Commissioners of the district shall cause an accurate survey of the lands embraced therein, showing the acreage actually irrigable from its works, to be made by a competent and qualified engineer, and an accurate and ample map of said lands, upon a proper and sufficient scale, to be made therefrom, and the assessments by them made shall be plainly noted thereon, and one copy thereof, certified by the Board of Commissioners, filed in the office of the county treasurer, and one kept on file in the office of the Secretary of the Board of Commissioners, and the resolution for the issuance of said bonds, and the levy of the tax and special assessment provided for in this Chapter, or the resolution for the spreading of such assessment, where bonds have theretofore been issued, shall specifically schedule and set forth the apportionment of the lien of said bond issue

on each and every forty-acre tract, and every separately owned subdivision thereof, within said district, and on the proceedings for the confirmation of said bond issue, and the special tax or assessment by said resolution provided for, all and every owner shall, if dissatisfied therewith, be entitled to appear in such proceeding in the manner provided for by Section 41 of this Chapter, and contest the same, and upon such hearing, the district court shall equalize the assessments and apportionments so made, and the decree confirming said bonds and said special tax or assessments, or the spreading of the lien of any bond issue heretofore made, shall be final as to the equalization and distribution of the same, as in Section 41 of this Chapter heretofore provided for.

Contest by dissatisfied owner.

Duty of district court therein.

In any district heretofore formed, where, with the consent of the bond holders, the Commissioners thereof desire to avail themselves of the provisions of this Section, the Board of Commissioners shall proceed to have made the surveys herein provided for, and to then, by proper resolutions upon their journal, distribute, spread and equalize the lien of their debts as herein provided for, and upon so doing, they shall petition the district court for the confirmation thereof, as in Section 41 of this Chapter provided for, in all respects in the same manner and upon the same notice as for the confirmation of their proceedings for the issuance of bonds and the levy of a special tax or assessment, as in this Act provided for, in the first instance, filing with their said proceedings in said court the consent in writing of all of the owners and holders of the bonds of their district to the apportionment thereof as made, and the owners and holders of bonds so consenting to said proceedings shall be entitled to appear at the proceedings for the confirmation thereof, and be heard as to any changes made in the original resolution of the Commissioners, and the decree of the district court entered thereon shall be final and conclusive upon all the persons in said district and the bond holders thereof, as in Section 41 of this Chapter provided for."

Proceedings where district has heretofore been formed, in spreading liens.

Petition to district to confirm acts.

Consent of holders of bonds.

Bond holder may appear and be heard.

Decree of court to be conclusive.

Section 9. That Section 47, of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows, to-wit:

Section amended.

"Section 47. ADDED LANDS TO PAY PROPORTIONAL SHARE OF BONDED INDEBTEDNESS.—Where a district is extended after the construction of works of irrigation to include other irrigable lands, such

Newly embraced lands to be chargeable with what.

included lands shall be chargeable with such proportion of the bonded indebtedness incurred or authorized to be incurred by any district, and such proportion of the indebtedness incurred under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States, as in Section 9 provided, as the district court shall order, as provided in Section 24 of this Act; and the Board of Commissioners of the district shall provide for the levy of a special tax or assessment against such included lands on account of said bonds and the interest thereon; and on account of any payments under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States, as in Section 9 provided; and said special tax or assessment shall be levied and collected as and in the manner as the special tax assessment against the lands of the original district on account of the payments under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States, as in Section 9 provided, and on account of said bonds and the interest thereon is provided for, levied and collected; and upon the extending of any such district, the total of said bond indebtedness, or indebtedness due to the United States, shall be re-apportioned, spread and equalized upon and over the entire area thereof, as provided in Section 43 of this Chapter; and if any tract or tracts of land shall have fully paid the original amount assessed against the same, and on the extension of any district, the amount assessed against said tract or tracts shall be less than the amount paid, the excess paid shall be refunded to the owner or owners thereof."

Levy of special taxes against included lands.

How levied and collected.

Re-apportionment of indebtedness when district is excluded.

Section amended.

Section 10. That Section 48 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Lands of district which shall be charged at same rate.

"Section 48. ALL LANDS CHARGEABLE ALIKE.— All lands in each irrigation district, except such lands as have been included within such district on account of the exchange or substitution of water, under the provisions of Section 36 of this Act, shall pay at the same rate for all purposes for which said lands are charged: Provided, however, that where contract shall have been made with the United States the lands within the district, whether originally included or later annexed to the district, shall pay in accordance with the Federal

When payment shall be in accordance with the Federal Reclamation laws.

Reclamation Laws and the public notices, orders and regulations issued thereunder and in compliance with any contracts made by the United States with the owners of said lands and in compliance further with the contract between the district and the United States; and in case of lands having appurtenant thereto a partial water right or partial rights in a system of irrigation the amounts payable shall be equitably apportioned."

And in compliance with what contracts.

When to be equitably apportioned.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1917.

CHAPTER 154.

"An Act to Regulate the Storage of Goods in Warehouses, and Fixing Penalties for the Violation of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Warehouse receipts may be issued by any warehouseman.

Section 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:—

Warehouse receipts may be issued by whom.

(a) The location of the warehouse where the goods are stored.

What receipts must embody.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his

agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

Liability of warehouseman for omissions in receipts.

A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Other conditions may be inserted.

Section 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

Conditions which shall not be inserted in receipts.

(a) Be contrary to the provisions of this Act.

(b) In any wise impair his obligation to exercise that degree of care in safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

When receipt is non-negotiable.

Section 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Negotiable receipt.

Section 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

Condition which shall not be inserted in negotiable receipt.

No provisions shall be inserted in a negotiable receipt that is non-negotiable. Such provisions, if inserted, shall be void.

Duplicate receipts; how marked.

Section 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Liability of warehouseman failing so to do.

Marking on non-negotiable receipts.

Section 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

Option of holder when non-negotiable receipt property designated.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Section not to apply to what.

Delivery of goods upon demand.

Section 8. A warehouseman, in the absence of some lawful excuse provided by this Act, is bound to deliver

the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

(a) An offer to satisfy the warehouseman's lien.

(b) An offer to surrender the receipt if negotiable, with such endorsements as would be necessary for the negotiation of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Refusal to deliver goods upon demand: what burden is on warehouseman.

Section 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

To whom delivery of goods is justifiable.

(a) The person lawfully entitled to the possession of the goods, or his agent,

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate endorsee.

Section 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either.

When warehouseman liable for conversion.

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Liability to innocent purchaser when warehouseman fails to take up negotiable receipt.

Section 11. Except as provided in Section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Liability when portion of goods delivered and receipt not made to show same.

Section 12. Except as provided in Section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

When alteration in receipt will not excuse liability of warehouseman.

Section 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

- (a) Immaterial.
- (b) Authorized, or
- (c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Natural and fraudulent alterations: effect of.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Purchaser of for value.

Section 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees. The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Court may order delivery when receipt has been lost or destroyed.

Bond to be given.

Court may costs and attorneys fees to warehouseman.

What liability not removed thereby.

Section 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Receipt upon the face of which the word "Duplicate" is placed a warranty of what.

Section 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Warehouseman has no right or title to possession which will excuse him from delivering goods, unless.

Section 17. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

When goods are claimed by more than one person, procedure.

Section 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

When goods are claimed by one other than depositor or his successor.

Claim of third person not a defense to action for failure to deliver.

Section 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Liability what goods to exist or correspond with description in receipt.

Section 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Descriptions in receipt which will not make warehouseman liable.

Liability for want of care.

Section 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Goods to be kept separately to preserve identification.

Section 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

When fungible goods may be commingled. What depositors entitled to in such event.

Section 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Warehouseman liable, severally, to depositors when.

Section 24. The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Section 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

When goods cannot be attached or levied upon in the warehouseman's possession.

Excepting when.

Delivery not to be compelled until receipt is surrendered.

Section 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which can not readily be attached or levied upon by ordinary legal process.

Remedies which courts may afford to creditors.

Section 27. Subject to the provisions of Section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and the expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Warehouseman's lien.

Section 28. Subject to the provisions of Section 30 a warehouseman's lien may be enforced.

Enforcement of warehouseman's lien.

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Section 29. A warehouseman loses his lien upon goods

How lien is lost.

(a) By surrendering possession thereof, or,

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this Act.

No lien when negotiable receipt is issued excepting, what: or receipt so provides.

Section 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt unless the receipt expressly enumerate other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of Section 27, although the amount of the charges so enumerated is not stated in the receipt.

May refuse delivery until lien is satisfied.

Section 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Warehouseman is entitled to all charges and advances regardless of right of lien.

Section 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

How lien may be satisfied.

Section 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

Notice to be given whom.

The warehouseman shall give written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

Notice to contain.

(a) An itemized account of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver goods to the person making such payment if he is a person entitled, under the provisions of this Act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Section 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time specified, the ware-

Sale of goods by auction.

Where sale must be had.

Advertisement of sale.

To be published how long.

Disposition of proceeds of sale.

Who may pay liens and charges prior to sale and obtain goods.

Notice to pay charges and remove perishable, inflammable, explosive, etc., goods.

When such goods may be sold.

Other disposition when goods can not be sold. houseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

Disposition of proceeds of sale. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Remedy for enforcing lien herein not exclusive. Section 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

When goods have been sold pursuant to provisions of this Act Warehouseman not to be liable non-delivery. Section 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Negotiable receipts negotiated by delivery when. Section 37. A negotiable receipt may be negotiated by delivery—

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

When receipt is indorsed. Where, by the terms of a negotiable receipt, the goods are deliverable to bearer, or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Negotiation by indorsement. Section 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Section 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

Transfer of non-negotiable receipts.

A non-negotiable receipt cannot be negotiated, and the indorsement of such receipt gives the transferee no additional right.

Effect of indorsement on non-negotiable receipt.

Section 40. A negotiable receipt may be negotiated—

Who may negotiate a negotiable receipt.

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Section 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

Rights of transferee when receipt has been negotiated.

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Section 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

Right of transferee when receipt has not been negotiated.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

When receipt is not negotiable; notice to warehouseman.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or by a

When rights of transferee of non-negotiable receipt may be defeated and how.

subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

When transferee of negotiable receipt may enforce indorsement thereof.

Section 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

When negotiation shall take effect.

Warranty by transfer or for value.

Section 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

(a) That the receipt is genuine.

(b) That he has a legal right to negotiate or transfer it, (c) That he has a knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Indorser of receipt not liable for what.

Section 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Mortgagee or pledgee, when debt is paid, not deemed to warrant, what.

Section 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Validity of the negotiation of a receipt not impaired by what fact or facts, in hands of innocent purchaser for value.

Section 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

Negotiation for value of a negotiable receipt not affected, by what.

Section 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for

which a negotiable receipt has been issued, or having sold, mortgaged or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized a subsequent negotiation.

Section 49. Where a negotiable receipt has been issued for goods, no sellers' liens or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the sellers' claim to a lien or right of stoppage in transit. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Sellers lien or right of stoppage in transit shall not defeat right of innocent purchaser in good faith of negotiable receipt.

Warehouseman not liable for purchase price of goods.

Section 50. A warehouseman or any officer, agent or servant of a warehouseman who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars or by both.

The issuance of a receipt by warehouseman when goods have not been delivered to him, a crime.

Penalty.

Section 51. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Fraudulently issuing receipt.

Penalty.

Section 52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in Section 14, shall be guilty of a crime, and upon conviction

Issuing a duplicate negotiable receipt without marking the same with the word "Duplicate" plainly.

Exception.

Penalty.

tion shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Knowingly issuing a negotiable receipt for goods in which the warehouseman is a part owner.

Section 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty.

Delivering goods against which there is outstanding a negotiable receipt without obtaining such receipt at the time.

Section 54. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods if outstanding and uncanceled without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in Sections 14 and 36, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars or by both.

Penalty.

Depositing goods to which the person does not have a unincumbered title and receiving a negotiable receipt therefor.

Section 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty.

What laws applicable in cases in which this Act does not prescribe the rule.

Section 56. In any case not provided for in this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

How Act shall be interpreted and construed.

Section 57. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Definitions.

Section 58. (1) In this Act, unless the context or subject matter otherwise requires—

“Action” includes counter claim, set-off, and suit in equity.

“Delivery” means a voluntary transfer of possession from one person to another.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means chattels or merchandise in storage or which has been or is about to be stored.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by indorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

To “purchase” includes to take as a mortgagee or as a pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract.

An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

“Warehouseman” means a person lawfully engaged in the business of storing goods for profit.

(2) A thing done “in good faith” within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

Section 59. The provisions of this Act do not apply to receipts made and delivered prior to the taking effect of this Act. Act not to apply to what receipts.

Section 60. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 61. This Act shall take effect on the first day of June, one thousand nine hundred and seventeen.

Section 62. This Act may be cited as the Uniform Warehouse Receipts Act. Act to be cited as.

Approved March 7, 1917.

CHAPTER 155.

“An Act to Provide a Method of Voting at General, Special and Primary Elections, Including General and Special and Primary Municipal Elections, by Electors Absent, or Expecting to Be Absent, on the Day of Any Such Election From the County in Which They are Electors, and Making Regulations Regarding Such Voting, and to Repeal Chapter 110 of the Session Laws of 1915 Known as the Absent Voters Law, and Providing Penalties for the Violations of the Provisions of This Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Who may vote
at any election
in manner herein
provided.

Section 1. Any qualified elector of this State, having complied with the laws in regard to registration, who is absent from the county of which he is an elector on the day of holding any general or special election, or primary election for the nomination of candidates for such general election, or any municipal general, special or primary election may vote at any such election as hereinafter provided.

Application of
absent voter for
official ballot.

Section 2. At any time within thirty days next preceding such election any voter expecting to be absent on the day of election from the county of which his voting precinct is situated, may make application to the County Clerk of such County, or to the City or Town Clerk, in the case of a municipal general, special or primary election, for an official ballot or official ballots to be voted at such election, as an absent voter's ballot or ballots.

Blank for appli-
cation.

Section 3. Application for such ballots shall be made on a blank to be furnished by the County Clerk of the County of which the applicant is an elector, or the City or Town Clerk, if it be a municipal general, special or primary election, and shall be in substantially the following form:

Form of blank.

I, _____, a duly qualified elector of the _____ precinct, in the county of _____ and State of Montana, and to the best of my knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from the said county on the day for holding such election, hereby make application for an official ballot to be voted by me at such election.

(Signed) _____

Post Office address to which ballot is
to be mailed:

Section 4. There shall also be printed on said application an affidavit substantially in the following form:

Affidavit to be printed on blank.

State of Montana

County of

.....and....., being severally duly sworn, each for himself on his oath says: That he is a resident and registered elector of the precinct mentioned in the foregoing application and that he knows the person whose signature is appended to the said application; that the said person is the identical person in said application and resides in the said precinct.

Subscribed and sworn to before me this..... day of....., A. D. 19.....

This affidavit must be subscribed by the witnesses and sworn to before some officer authorized to administer oaths, and the application shall not be deemed complete without his affidavit.

To be subscribed before whom.

The voter making such application shall pay or transmit therewith to the County or City or Town Clerk the sum of Thirty Cents which shall be treated as official receipts of the office. No other fee shall be charged by such clerk for any services in connection with such voting.

Fee required.

Section 5. Such application blank shall upon request therefor, be sent by such County or City or Town Clerk to any elector of the county, by mail, and shall be delivered to any elector upon application made personally at the office of such County or City or Town Clerk; provided, however, that no elector shall be entitled to receive such a ballot on election day, nor unless his application is made to or received by the County or City or Town Clerk before the delivery of the official ballots to the judge of election.

How and to whom application blank shall be sent or delivered.

When blank shall not be received.

Section 6. Upon receipt of such application properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been printed, the said County or City or Town Clerk shall send to such elector by mail, postage prepaid, one official ballot, or if there be more than one ballot to be voted by an elector of such precinct, one of each kind, and shall enclose with such ballot or ballots, an envelope, to be furnished by such County or City or Town Clerk, which envelope shall bear upon the front thereof, the

When official ballot shall be sent to elector.

Envelope to be inclosed with ballots.

name, official title and post-office address of such County or City or Town Clerk, and upon the other side, a printed affidavit, in substantially the following form:

State of }
County of } ss.

Affidavit on back
of envelopes.

I, ..., do solemnly swear that I am a resident of the.....precinct, (and if he be a resident of a city or town, add: "Residing at.....", in the town or city of.....,") county of and State of Montana, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election and that I will have no opportunity to vote in person on that day.

Certificate of
officer.

Subscribed and sworn to before me this..... day of....., 19.....; and I hereby certify that the affiant exhibited to me the enclosed ballot or ballots for inspection before marking, and that the same was (or were) then unmarked, and that he then in my presence, and in the presence of no other person, and in such manner that I could not see his vote, marked said ballot (or ballots) and enclosed and sealed the same in this envelope. That the affiant was not solicited or advised by me to vote for or against any candidate or measure.

Before whom
affidavit shall be
subscribed.

Within or with-
out of state.

Shall mark ballot
how and where.

Ballot must be
secret.

Duty of officer.

Section 7. Such voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths and who has an official seal, and may do so at any place in the State of Montana, or in any other State or territory of the United States, before any officer authorized by the laws of this State to take acknowledgments of instruments without the State, and such voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots shall thereupon, in the presence of such officer, be folded by such voter so that each ballot will be separate, and so as to conceal the vote, and shall be, in the presence of such officer, placed in such envelope without detaching any stub or stubs, and the said envelope securely sealed. Said officer shall thereupon append his signature and official title and affix his seal at the end of said jurat and certificate. Said envelope

shall be mailed by such absent voter, postage prepaid, or delivered to the County or City or Town Clerk, as the case may be.

Section 8. Upon receipt of such envelope, such County or City or Town Clerk shall forthwith enclose the same, unopened, together with the written application of such absent voter, in a larger envelope, which shall be securely sealed and endorsed with the name of the proper voting precinct, the name and official title of such clerk, and the words, "This envelope contains an absent voter ballot and must be opened only on election day at the polls when the same are open," and such clerk shall safely keep the same in his office until the same is delivered or mailed by him as provided in the next section.

Disposition of
ballot by
clerk.

Indorsement on
outer envelope.

Section 9. In case such envelope is received by such Clerk prior to the delivery of the official ballots to a judge of election of the precinct in which such absent voter resides, said larger envelope, containing the said voter's envelope, and his said application, as above provided, shall be delivered to the judge of election of such precinct, to whom the official ballots of the precinct shall be delivered, and at the same time. In case the official ballots for such precinct shall have been delivered to the judge of election prior to the time of the receipt by the said clerk of said absent voter's envelope, such clerk shall immediately after enclosing such voter's envelope, and his application in a larger envelope, and after endorsing the latter as provided in the foregoing section, address and mail the larger envelope, postage prepaid, to the said judge of election of said precinct, as hereinafter further provided.

When envelope
containing ballot
shall be delivered
to judge of elec-
tion precinct.

Section 10. The ballot or ballots to be delivered or marked by such absent voter, shall be one of the regular official ballots to be used at such election and of each kind of such official ballots, if there be more than one kind to be voted, beginning with ballot one and following consecutively, according to the number of applications for such absent voter ballots. The County or City or Town Clerk shall keep a record of all ballots so delivered for the purpose of absent voting, as well as of ballots, if any, marked before him as hereinafter provided, and shall make and deliver to the judge of election, to whom the ballots for the precinct are delivered, and at the time of the delivery of such ballots, a certificate stating the numbers of ballots delivered or mailed to absent voter, as well as those marked before him if any,

The regular offi-
cial ballots to be
sent to the ab-
sent voter.

Clerk to keep
record of ballots
delivered to ab-
sent voters.

Certificate of
number of bal-
lots and names
of persons to
whom delivered
to be given to
judge of election.

and the names of the voters to whom such ballots shall be delivered or mailed or by whom they shall have been marked, if marked before him.

Duty of judge to make entry on poll list of ballot numbers. How notation to be made.

Section 11. The judges of election, at the opening of the polls, shall note on the poll list, when one is required by law to be kept, opposite the numbers corresponding to the numbers of the ballots issued to absent voters, as shown by the certificate of the County or City or Town Clerk, the fact that such ballots were issued to absent voters and shall reserve said numbers for the absent voters. The notation may be made by writing the words, "Absent Voters," opposite such numbers.

When name of the absent voter to be entered poll list.

The judges shall not allow any names to be inserted in the poll list on the lines corresponding to said numbers, except the name of the elector entitled to each particular number according to the certificate of the County or City or Town Clerk, and the number of his ballot. Any so rejected shall be placed together with the voter's application and the absent voter's envelope provided for the purpose by the Clerk and Recorder or City or Town Clerk which shall be sealed and endorsed by the words, "Rejected absent voter ballots" numbered.....

Rejected ballots together with absent voter's application and envelope to be sealed and indorsed how.

and shall put thereon the number of the ballots given to absent voters according to the County or City or Town Clerk's certificate. There shall be a separate enclosing envelope for the ballot or ballots of each absent voter whose ballot or ballots may have been rejected and such envelopes shall be placed in an envelope together with the other ballots and shall not be opened without order of a court of competent jurisdiction.

Separate enclosing envelope for each absent voter's ballot, which may have been rejected.

Voter who expects to be absent may, after the official ballots have been printed, vote before, whom.

Section 12. Any qualified elector who is present in his county after the official ballots of such county have been printed, and who has reason to believe that he will be absent from such county on election day, as provided in Section Two, may vote before he leaves his county, in like manner as an absent voter, before the County or City or Town Clerk or some officer authorized to administer oaths and having an official seal; and the provisions of this Act shall be deemed to apply to such voting. If the ballot be marked before the County or City or Town Clerk, it shall be his duty to deal with it in the same manner as if it had come by mail.

How clerk shall deal with ballot.

When judges may open outer envelope and voters' signatures.

Section 13. At any time between the opening and closing of the polls on such election day, the judges of election of such precinct shall first open the outer en-

velope only, and compare the signature of such voter to such application, with the signature to such affidavit.

In case the judge find the affidavit is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at such election, they shall open the absent voter's envelope, in such manner as not to destroy the affidavit thereon, and take out the ballot or ballots therein contained, and without unfolding the same, or permitting the same to be opened or examined, shall ascertain whether the stub or stubs is or are still attached to the ballot or ballots and whether the number thereon corresponds to the number in the County or City or Town Clerk's certificate. If so, they shall endorse the same in like manner that other ballots are endorsed, shall detach the stub, as in other cases, and deposit the ballot or ballots in the proper ballot box or boxes, and make in their election list and books the proper entries to show such elector to have voted. In case such affidavit is found to be insufficient or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but without opening the absent voter envelope, the judges of such election shall mark across the face thereof "rejected as defective," or "rejected as not an elector," as the case may be. The absent voter envelope, when such absent vote is voted, and the absent voter envelope with its contents, unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots, as the case may be, retained and preserved in the manner by law provided for the retention and preservation of official ballots voted at such election. If upon opening the absent voter's envelope, it be found that the stub of any ballot has been detached, or that the number thereon does not correspond to the number in the County or City or Town Clerk's certificate of the number issued to such absent voter, the ballot shall be rejected and it shall then and there, and without looking at the face thereon be marked on the back, "rejected on the ground of....." filling the blank with the statement of the reason of the rejection; which statement shall be dated and signed by the majority of the judges. The ballot or ballots so rejected together with the absent voter's envelope bearing the application and the said application shall all be enclosed in an envelope which shall be then and there securely sealed

When and how judges to open absent voters envelope.

Shall not unfold ballot, but shall see whether stub is attached, etc.

Further procedure in casting ballot.

Vote to be rejected when. Further procedure.

Disposition of envelope.

When stub is detached, or numbers do not correspond ballot to be rejected.

How to be marked.

Disposition of rejected ballots and envelopes.

How rejected ballot to be designated.

Separate enclosing envelope required.

Clerk to furnish judges with suitable envelopes.

Proper postage stamp and markings to be placed by clerk on envelope.

When such voter may vote in person.

If voter who has marked an absent voter's envelope appears at polls on election day he may cast his vote when.

When he may obtain a new ballot.

Marking and disposition of ballot in such case.

and on such envelope the judges shall write or cause to be written (if not already printed thereon) the words, "rejected ballot of absent voter" (writing in the name of the elector). "The rejected ballot or ballots is or are". The judges shall designate the rejected ballot as "General ballot" if it be a ballot for candidates that be rejected. If the rejected ballot be a one put on a question submitted to the vote of the electors, the judges shall designate such ballot as ballot question No..... in the certificate on the envelope. There shall be a separate enclosing envelope for the ballot or ballots of each absent voter whose ballot or ballots may have been rejected and such enclosing envelope shall be placed in the envelope in which the other ballots voted or required to be placed and shall not be opened without an order of a court of competent jurisdiction. The County or City or Town Clerk shall provide and have delivered to the judge of election, suitable envelopes for enclosing rejected absent voter's ballots.

Section 14. Whenever the County or City or Town Clerk shall mail the envelope containing an absent voter's envelope and ballots, as provided in this Act, to a judge of election, he shall place thereon the proper postage and the proper stamp or stamps and the proper markings to secure the transmission and delivery thereof, as a special delivery letter in accordance with the postal laws of the United States and the regulations of the United States post-office.

Section 15. Any qualified elector who has marked his ballot as hereinbefore provided, who shall be in his precinct on election day, shall be permitted to vote in person, provided his said ballot has not already been deposited in the ballot box.

Section 16. In case any elector who shall have marked his ballot as an absent voter, as in this Act provided, shall appear at the voting place of his precinct on election day, before his ballot or ballots shall have been deposited in the ballot box, his envelope containing his ballot shall if he so desires, be opened in his presence, and the ballot or ballots found therein, shall be deposited in the ballot box, as hereinbefore provided. If such elector shall ask for a new ballot or ballots with which to vote, he shall be entitled to the same, but in such case his absent-voter-envelope shall not be opened, and the judges shall mark, or cause to be marked, across the face thereof, "unopened because voter appeared and voted in person,"

and then deposit in the said envelope unopened, in the ballot box. If the envelope containing the absent-voter-ballot shall have been marked, "rejected as defective," and deposited in the ballot box, such elector so appearing shall have the same right to vote as if he had not attempted to vote as an absent voter. If voting machines are there used, he shall vote by machine, as other voters.

When envelope has been marked rejected and placed in ballot box.

Section 17. If the aforesaid envelope, containing an absent-voter-ballot shall have been deposited, unopened, in the ballot box, the said envelope shall not be opened, without an order of a court of competent jurisdiction.

When envelope deposited in ballot box shall not be opened.

Section 18. If any person shall wilfully swear falsely to any affidavit in this Act provided for, he shall, upon conviction thereof, be deemed guilty of perjury and shall be punished as in such cases by law provided. If the County or City or Town Clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by this Act, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided for in Section 5 shall make any false statement in his certificate thereto attached, or look at any mark or marks made by the voter upon any such ballot, or permit or allow any other person to be present at the marking of any such ballot by the voter, or to see any mark or marks made thereon by the voter, he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

False swearing; perjury.

Misdemeanor.

Take affidavit.

Exposing ballot.

Section 19. In and for precincts where voting machines are to be used, the County or City or Town Clerk shall cause to be printed and shall provide ballots in the regular form of printed ballots and sufficient printed ballots and sufficient in number for possible absent voters and also poll books and ballot boxes such as lists required for the precincts in which printed ballots are used. Absent voters' ballots received in such precincts shall be cast as in this Act provided and all provisions of this Act and of the Election Laws shall apply to the casting, canvassing, counting and returning of such ballots and votes except as herein otherwise provided. In making the canvass the votes cast by absent voters shall be added by the judges of election to the votes cast on the voting machines, and the results determined and reported accordingly.

When voting machines are used, clerk to furnish printed ballots, etc., for absent voter.

How absent voter's ballot to be counted, canvassed, etc., therein.

Voter who re-
turns before or
on election day
after having ob-
tained absent
voter's ballot,
duty.

Failure to so do
a misdemeanor.

Penalty.

Duty of judges
in such cases.

Violation of ab-
sent voter law by
elector or any
other person or
officer outside of
state.

Penalty.

When change of
venue may be
had.

Court may order
case removed on
its own motion.

Repealing clause.

Section 20. In case any elector who shall have taken advantage of the provisions of this Act, and marked his ballot as an absent-voter, as in this Act provided, shall not leave his county, or shall return, thereto on or before election day, and in time to allow him to go to the polls, to-wit, to the voting place in his precinct and to be admitted therein before the close of the polls, it shall be his duty so to go to the said voting place and to present himself to the judges of election at said voting place, and if he shall wilfully neglect so to do, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment not more than thirty days in the county jail, or by both such fine and imprisonment. If such an elector so appears, the judges of election shall note in the poll books and lists the fact of his appearance, as well as whether or not he voted in person.

Section 21. If any elector of this State or any other person or any officer shall, in any matter connected with voting outside of the State under the provisions of this law, in any manner violate any of the provisions of this Act or of any of the election or penal laws of this State applicable to voting under this Act, in such manner that such violation would constitute an offense if committed within the State, then and in such case such elector, person or officer shall be deemed guilty of a like offense and be punishable to the same extent and in the same extent and in the same manner as if the act, omission or violation had been committed within this State, and may be prosecuted in any county in this State; provided, however, that if the defendant or one of several defendants be a resident of the State, he may have the case removed to the County in which the ballot was cast, or was to be cast, if not, in fact cast; and provided further that the Court may order any such case removed to such County, subject always to the power of the Court of any County to grant a change of venue as in other cases.

Section 22. This Act shall take effect upon its passage and approval by the Governor.

Section 23. Chapter 110 of the Session Laws of 1915 and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1917.

CHAPTER 156.

“An Act Relating to Special Improvements in Districts in Thickly Populated Localities Outside of the Limits of Incorporated Towns and Cities, and to Empower the Board of County Commissioners to Create Special Improvement Districts in Such Localities for the Purpose of Constructing Sanitary and Storm Sewers and Installing Lights, Water Works Plants and Such Other Special Improvements as May be Petitioned for by Sixty Per Cent of the Freeholders Affected by the Same, and Providing for the Levy and Collection of Special Assessments to Pay for the Same and to Extend the Payment of Installments Over any Period Not Exceeding Eight Years, and to Provide for the Issuance of Special Improvement Warrants or Bonds in Such Special Improvement District.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the public interest or convenience may require and upon the petition of sixty per cent of the freeholders affected thereby, the Board of County Commissioners is hereby authorized and empowered to order and create special improvement districts for the purpose of building and constructing sanitary and storm sewers, installing lights, water works plants and such other special improvements as may be petitioned for.

Rural improvement districts;
how created.

Section 2. Before creating any special improvement district for the purpose of making any of the improvements, acquiring any private property for any purpose authorized by this Act, the Board of County Commissioners shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvement or improvements which are to be made, and an approximate estimate of the cost thereof. Upon having passed such resolution the Board of County Commissioners must give notice of the passage of such resolution of intention, which notice must be published for ten consecutive days in a daily newspaper, or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created, and shall also cause to be posted within the boundaries of said special improvement district a copy of such notice in three public places, and a copy of such notice shall be mailed to every person, firm or corporation or the agent of such person, firm or cor-

Purposes of district.

Resolution to be passed by Board of County Commissioners.

Resolution shall state.

Notice and publication thereof.

Posting and marking copies.

Contents of
notice.

poration having property within the proposed district, at his last known place of residence upon the same day such notice is first published or posted. Such notice must describe the general character of the improvement or improvements so proposed to be made, state the estimated cost thereof, and designate the time when and the place where the Board of County Commissioners will hear and pass upon all protests that may be made against the making of such improvements or the creation of such district, and the said notice shall refer to the resolution on file in the office of the County Clerk for the description of the boundaries.

If cost exceeds
50 per cent of
total assessed
value of property
included, the
commissioners
may extend pro-
posed district
how.

Section 3. Whenever a contemplated work or improvement, in the opinion of the Board of County Commissioners is of more than local or ordinary public benefit, or whenever, according to estimates furnished by the County Surveyor the total estimated cost and expenses thereof would exceed one-half of the total assessed value of the lots and lands assessed, if assessed upon the lots and lands fronting upon such proposed work or improvement according to the valuation fixed by the last assessment roll, whereon it was assessed for taxes, the Board of County Commissioners may make the expense of such work chargeable upon an extended district, and which may include other lots and lands not fronting on the improvement, and which the said Board of County Commissioners shall in its resolution of intention declare to be the district benefited by said work or improvements and to be assessed to pay the cost and expenses thereof.

Protests against
proposed district
or extension
thereof, when.

Section 4. At any time within fifteen days after the date of the first publication of the notice of the passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extending or creation of the district to be assessed, or both. Such protest must be in writing and be delivered to the County Clerk, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the Board of County Commissioners, after the expiration of the time within which said protest may be so made, the Board of County Commissioners shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive. Provided, however, that when the protest is against the proposed work and the cost thereof is to be assessed upon the property fronting thereon, and the Board of County Commissioners finds

Requirements of
protest.

Proceedings at
next regular
meeting of
County Commis-
sioners.

When protest is
by majority of
property.

that such protest is made by the owners of a majority of the property fronting on the proposed work or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within the extended district, and the Board of County Commissioners finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for such improvements, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said County Clerk, except in case the improvements are the construction of sanitary sewers, when the said protest may be overruled by a unanimous vote of the Board of County Commissioners. In determining whether or not sufficient protests have been filed in the proposed district to prevent further proceedings therein, property owned by the county shall be considered the same as other property in the district. The Board of County Commissioners may adjourn said hearing from time to time.

Section 5. When no protests have been delivered to the County Clerk within fifteen days after the date of the first publication of the notice of the passing of the resolution of intention, or when a protest shall have been found by said Board of County Commissioners to be insufficient, or shall have been overruled, or when a protest against the extending of the proposed district shall have been heard and denied, immediately thereupon the Board of County Commissioners shall be deemed to have acquired jurisdiction to order improvements, but before ordering any of the said proposed improvements, the Board of County Commissioners shall pass a resolution creating the said special improvement district in accordance with the resolutions of intention theretofore introduced and passed by the Board of County Commissioners.

Section 6. In all resolutions, notices, orders and determinations subsequent to the resolution of intention and notice of improvements it shall be sufficient to briefly describe the work or the assessment district or both and to refer to the resolution of intention for further particulars.

Section 7. A notice inviting proposals and referring to the specifications on file with the County Surveyor shall be published at least twice in a daily, semi-weekly or weekly newspaper published and circulated nearest to the boundaries of the said proposed improvement district, and which paper shall be designated by the Board of

It is against the proposed work and the cost thereof by such owners in extended district.

No further proceedings to be taken for six months.

Where improvements are the construction of sanitary sewers.

Determining sufficiency of protest.

Proceedings when no sufficient protest has been filed within time.

Board deemed to have acquired jurisdiction.

Resolution creating special improvement district to be first passed.

Reference to resolution of intention sufficient in what papers and proceedings.

Notice inviting proposals or bids to be published where and for what time.

Posting notice for proposals.	County Commissioners for that purpose, and a copy of said notice shall also be posted in at least three public places within the boundaries of the proposed district. The Board of County Commissioners may call for bids or proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the kind or type of materials to be used in making any of such improvements after the bids or proposals therefor shall have been opened, examined and declared.
May call for several kinds or types of materials.	
Time for opening bids.	The time fixed for the opening of bids shall be not less than fifteen days from the time of the final publication of such notice. All proposals or bids offered shall be accompanied by a check payable to the Board of County Commissioners, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the said proposal. Such proposals or bids shall be delivered to the County Clerk and the Board of County Commissioners shall, in open session, publicly open and examine and declare the same. Provided, however, that no proposal or bid shall be considered unless accompanied by said check. The Board of County Commissioners may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the Board of County Commissioners and shall reject all proposals, other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for such work or improvement to the lowest responsible bidder at the price named in his bid.
Certified check to accompany bid.	
Bids to be delivered to county clerk.	
Publicly opened.	
Board may reject any or all bids when.	
Lowest responsible bidder.	
New bids may be received when.	If the bids are rejected or no bids are received, the Board of County Commissioners may within six months thereafter, readvertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the checks corresponding to the bids so rejected, but the check accompanying such accepted proposal or bid shall be held by the County Clerk until the contract for doing said work, as hereinafter provided, has been entered into, either by the said lowest bidder or by the owners of over fifty per cent (50%) of the frontage whereupon said certified check shall be returned to said bidder, but if said bidder fails, neglects or refuses to enter into the contract to perform said work and improvements as hereinafter provided, then the certified check accompanying his bid, in the amount therein men-
Checks accompanying rejected bids to be returned.	
Others to be retained until when.	
If bidder fails to enter into contract.	

tioned shall be declared to be forfeited to the said Board of County Commissioners, and shall be collected by it and paid into the general fund of the county.

Section 8. If the contractor who may have taken any contract does not complete the same within the time limited in the contract, or within such further time as may be given him, the County Surveyor shall report such delinquency to the Board of County Commissioners, which may re-let the unfinished portion of said work, after pursuing the formalities prescribed herein for the letting of the whole in the first instance, or the Board of County Commissioners shall have the right, in its option, to complete the contract and deduct any cost in excess of the contract price thereof from any money, bonds or warrants due such contractor, and in the event there is no money, bonds or warrants due such contractor from which to deduct such costs, then and in such event the Board of County Commissioners shall have the right to sue such contractor and recover from him such costs.

When contractor fails to perform work within time specified.

Re-letting unfinished portion. Proceeding if Board completes the contract.

Right to sue contractor when.

Contractors bond.

Section 9. All contractors and contracting owners included shall at the time of executing any contract for any work, execute a bond to the satisfaction and approval of the Board of County Commissioners with two or more sureties, payable to said county in a sum not less than twenty-five per cent (25%) of the amount of the contract, conditioned for the faithful performance of the contracts, indemnifying the county from any detriment, damage or loss growing out of said work, and the sureties shall justify before any person competent to administer an oath in double the amount mentioned in said bond, over and above all statutory exemptions. Provided, however that nothing herein contained shall be considered as to prevent or prohibit the Board of County Commissioners from requiring or accepting in any case a bond furnished by a Surety Company authorized to transact business in the State of Montana.

Section 10. At any time within sixty (60) days from the date of the awarding of a contract, any owner or other person having any interest in any lot, tract or plot of land liable to assessment, who claims that any of the previous acts or proceedings relating to said improvements are irregular, defective, erroneous or faulty, or that his property will be damaged by the making of any of the improvements in the manner contemplated, may file with the County Clerk a written notice specifying in what respect said acts or proceedings are irregular,

When any property owner may file with county clerk a notice claiming irregularities, faults, damages, etc.

Notice shall
state.

Claims for dam-
ages to be waived
therein.

Proviso.

Method of as-
sessment to be
adopted by com-
missioners.

Apportioning
costs between
corner and inside
lots.

Portion of street
used for railroad
purposes.

defective, erroneous or faulty, or in what manner and to what extent his property will be damaged by the making of said improvements. Said notice shall state that it is made in pursuance of this section. All objections in any act or proceeding or in relation to the making of said improvements must be made in writing and in the manner and at the time aforesaid, and all claims for damages therefor shall be waived by such property owner, provided that notice of the passage of the resolution of intention has been actually published and the notice of improvements posted as provided in this Act.

Section 11. To defray the cost of making any of the improvements provided for in this Act, the Board of County Commissioners shall adopt the following method of assessment. The Board of County Commissioners shall assess the entire cost of such improvements against the entire district and each lot or parcel of land assessed in such district to be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places, provided however that the Board of County Commissioners in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for, between the corner lots and inside lots of any block, the Board of County Commissioners may in the resolution creating any improvement district, provided that whenever any of the improvements herein provided for shall be along any side street or abutting upon side of any corner lot or block, that the amount of the assessment against the property in said district to defray the cost of such improvements shall be so assessed that each square foot of the land embraced within any such corner lot shall bear double the amount of the cost of such improvement that a square foot of any inside lot shall bear. Whenever any portion of the surface of a street is kept or used by any person, firm or corporation for Railroad or for Street Railway purposes, the cost and expense of making such improvements between the rails and for one foot on each side thereof, shall be paid by the person, firm or corporation owning such Railroad and where double tracks of Railroads are laid, such person, firm or

corporation shall pay the costs of making such improvement or improvements between such tracks and between all switches and spurs.

Section 12. Whenever any lot, piece or parcel of land belonging to the United States or mandatory of the government shall front upon the proposed work or improvement, or to be included within the district declared by the Board of County Commissioners in its Resolution of intention to be a district to be assessed to pay the cost and expenses thereof, the said Board of County Commissioners shall in the Resolution of intention declare that said lots, pieces or parcels of land or any of them, shall be omitted from the assessment thereto to be made to cover the cost and expenses of said work or improvement and the cost of said work or improvement in front of said lots, pieces or parcels of land shall be paid by the County from its General Fund.

May omit property owned by Federal government.

What cost to be paid from counties General fund.

Section 13. To defray the cost of making improvement in any special improvement district, the Board of County Commissioners shall by resolution levy and assess a tax upon all property in the District created for such purpose, by using for a basis for such assessment the method provided for by this Act. Such Resolution shall contain a description of each lot or parcel of land, with the name of the owner, if known, and the amount of each partial payment, when made and the day when the same shall become delinquent. The payment of the assessment to defray the cost of constructing any improvements in special improvement districts may be spread over a term of not to exceed ten (10) years, payment to be made in equal annual installments.

Tax to be levied and assessed.

Bases of assessment.

Resolution to contain what.

Assessment may be spread over term not exceeding ten years.

Section 14. Such resolution, signed by the Chairman of the Board of County Commissioners shall be kept on file in the office of the County Clerk and a notice signed by the County Clerk, stating that the resolution levying a special assessment to defray the cost of making such improvements is on file in the office of the County Clerk, subject to inspection, for a period of five (5) days, shall be published in a newspaper published nearest to where the special improvement is to be made. Such notice shall state the time and place in which objections to the final adoption of such resolution will be heard by the Board of County Commissioners, and the time for such hearing shall be not less than five (5) days after the publication of such notice. At the time so fixed, the Board of County Commissioners shall meet and hear all such objections

Resolution of assessment to be kept on file when.

Publication of notice of resolution.

Notice to state.

Time of hearing.

Hearing of objections.

and for that purpose may adjourn from day to day and may by resolution modify such assessment in whole or in part. A copy of such resolution, certified by the County Clerk, must be delivered to the County Clerk two (2) days after its passage.

Amount awarded as damages to any owner to be added to cost of making improvements.

When an additional assessment shall be levied by resolution.

What costs in creating district to be considered costs of improvements.

County surveyor to keep an account of costs and expenses incurred by his office.

Costs which shall constitute a lien upon the property in district.

Section 15. Whenever the owner or any one interested in any property, situate in the special improvement district, after having filed with the County Clerk a written notice, claiming that his property has been damaged shall be awarded or recovered any amount on account of damages sustained to said property by the reason of the construction of any improvement in said special improvement district. After the resolution levying the assessment to defray the cost of making such improvements in said district has been passed and adopted by the Board of County Commissioners, the amount so ordered as recovered shall be added to and constitute a part of the cost of making such improvements, but if the resolution levying the assessment to defray the cost and expenses of making said improvements has been passed and adopted by the Board of County Commissioners, it shall pass and adopt a supplemental resolution levying an additional assessment against the property in said district for the purpose of paying the amount so awarded of covering the said supplemental resolution, and shall be made in the same manner and prepared and certified the same as the original resolution, levying the assessment to defray the cost of making such improvements.

Section 16. The cost and expense connected with and incidental to the formation of any special improvement district, including costs of preparation of plans, specifications, maps, plats, engineering, superintendence and inspection, and preparation of assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such special improvement district; and it shall be the duty of the County Surveyor to keep an account of all costs and expenses incurred in his office in connection with every special improvement district, and certify the same to the County Clerk, whose duty it shall be to prepare all necessary schedules and resolutions levying taxes and assessments in such special improvement districts.

Section 17. Any special assessment made and levied to defray the cost and expense of any of the work enumerated in this Act, together with any percentages im-

posed for delinquency, and for cost of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the passage of the resolution levying such assessment which lien can only be extinguished by payment of such assessment with all penalties, costs and interest.

How lien extinguished.

Section 18. When under any of the provisions of this Act special taxes and assessments are assessed against any lot or parcel of land as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake, relating to the ownership thereof, shall affect such assessment or render it void or voidable.

Mistakes, nuisances, etc., not under assessment void.

Section 19. All costs and expenses incurred in the construction of any improvements specified in this Act, in any improvement district, shall be paid for by special improvement district bonds or warrants. Such bonds or warrants shall be drawn in substantially the following form:

How costs and expenses are to be paid.

District No.
United States of America.
State of Montana.

Form of district warrants or bonds.

Warrant or Dollars
(Bond No.....) \$.....
Interest at the rate of 6% per annum payable annually.
Special Improvement District Coupon Warrant or Bonds.
.....Montana,

Issued by the County of.....Montana.
The County Treasurer of.....County, Montana, will pay to.....or bearer, the sum of dollars as authorized by resolution No. as passed on the.....day of.....19..... creating Special Improvement District No.....for the construction of the improvements and work performed as authorized by said resolution to be done in said district, and all laws, resolutions and ordinances and ordinances relating thereto, in payment of the contract in accordance therewith. The principal and interest of this warrant (or bond) are payable at the office of the County Treasurer of.....County, Montana.

This warrant (or bond) bears interest at the rate of six per cent (6%) per annum from the date of registration of this warrant (or bond) as expressed herein, until the date called for the redemption by the County Treasurer. The interest on this warrant (or bond) is payable annually on the first day of.....in each year,

unless paid previous thereto and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the Chairman of the Board of County Commissioners and the County Clerk.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement districts, as described in said resolution hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the County at any time there are funds to the credit of said special improvement district fund for the redemption thereof, and in the manner provided for the redemption of the same.

It is hereby certified and recited, that all things required to be done precedent to the issuance of this warrant (or bond) have been properly done, happened and been performed (Seal) in the manner prescribed by the laws of the State of Montana and the resolutions and ordinances of the County of....., Montana, relating to the issuance thereof.

Dated at....., Montana, this..... day of.....19.....

County of....., Montana.

(Seal)

By.....Chairman of the Board of County Commissioners.

.....County Clerk.

Registered at the office of the County Treasurer of County, Montana, this.....day of....., 19.....

.....
County Treasurer.

Drawn against
which fund.

Rate of interest.

Interest payable
when.

Warrants and
bonds to be
signed by whom.

Shall be regis-
tered, where.

And the same shall be drawn against the special improvement district fund created for the district, and shall bear interest at the rate of six per cent (6%) per annum, from the date of registration until called for redemption or paid in full, interest to be payable annually on the first day of January of each year, unless the Board of County Commissioners prescribe another date. Such warrants (or bonds) shall be signed by the Chairman of the Board of County Commissioners and the County Clerk and shall bear the corporate seal of the County. They shall be registered in the office of the County Clerk and County Treasurer, and if interest coupons be attached thereto they shall also be so registered and shall bear the signature of the Chairman of

the Board of County Commissioners and the County Clerk; provided, however, that said coupons may bear the facsimile signature of the said officers in the discretion of the Board of County Commissioners. Said bonds shall be in denominations of One Hundred (\$100) Dollars or fractions or multiples thereof; and may be issued in installments, and may extend over a period of not to exceed twenty (20) years. Such warrants (or bonds) shall be redeemed by the County Treasurer when there are funds in the special improvement district fund against which said warrants (or bonds) are issued available therefor; provided, that the County Treasurer shall first pay out of such special improvement district fund annually the interest on all outstanding warrants (or bonds) on presentation of the coupons belonging thereto, and any funds remaining shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in the order of their registration; provided, further, that whenever there are any funds in any special improvement district fund, after paying the interest on such warrants (or bonds) drawn against said fund, the County Treasurer shall call in for payment outstanding warrants (or bonds) which together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the County Treasurer who shall give notice by publication once in a newspaper published in the city, or at the option of the County Treasurer, by written notice to the holder or holders of such warrants (or bonds), if their address be known, of the number of warrants (or bonds) and the date on which payment will be made, which date shall not be less than ten (10) days after the date of publication or of service of notice, and on which date so fixed, interest shall cease. When it is provided by the resolution creating the district that the work be paid in warrants (or bonds), the Board of County Commissioners shall by resolution fix the denominations of such warrants (or bonds) which may be of One Hundred (\$100) Dollars, or fractions or multiples thereof, the rate of interest, which shall not exceed six per cent (6%) per annum, and provide for the payment or redemption of such warrants (or bonds) at a time certain, which time of payment must not exceed ten (10) years from and after the date of issuance.

Section 20. Whether provided in the call for proposals, or not, all warrants let under the provisions of this

Coupons may bear the facsimile signature of officers.

Denomination of bonds.

May be issued in installments and spread over, what period.

When redeemable.

Order of payment.

Outstanding bonds and warrants to be called when.

Notice of call.

Interest to cease.

County commissioners to fix denomination of bonds and warrants.

Rate of interest.

Warrants to be payable in what.

Contract may provide for delivery of warrants or bond in installments.

Amount delivered not exceed amount of work done.

Face value.

When County Commissioners may sell warrants for their par value to raise money.

Duty of County Treasurer to collect assessments.

Power to correct mistakes, omissions or irregularities regarding assessments.

Re-assessments and levy.

Correction of apportionments.

Act, shall be payable in bonds or warrants issued under the provisions hereof, and the Board of County Commissioners may provide by contract with the person, persons or corporation doing the work or making the improvement for the payment of which such warrants or bonds are issued, to deliver the said warrants or bonds in installments as the work progresses, or upon the entire completion thereof; provided, however, that no warrants or bonds must be delivered to such contractor or contractors in excess of the amount of the work actually done at the time of the delivery, nor shall the total amount issued be in excess of the total cost and expense of the said improvements, and no warrants or bond shall be delivered or received in payment of a less sum than its face value. And when it becomes necessary to pay for private property taken for the opening, widening or extending of any street, avenue or alley, or to pay any amount awarded or recovered on account of damages to any property caused by the making of any improvements, in money, in cases where the persons whose property is so taken or damaged refuses to receive his pay in warrants or bonds, then the Board of County Commissioners shall have the power, under such regulations as it may prescribe, to sell such bonds, or warrants for not less than par, and devote the moneys derived therefrom to the payment of the damages assessed or agreed upon for such property or the damages thereto.

Section 21. It shall be the duty of the County Treasurer in accordance with the provisions of the Revised Codes of Montana where the resolution of assessment has been duly certified by the County Clerk to collect such assessment in the same manner and at the same time as taxes for general and municipal purposes are collected by him.

Section 22. Whenever, by reason of any alleged non-conformity to any law, or by reason of any omission or irregularity, any special tax or assessment is either invalid or its validity is questioned, the Board of County Commissioners may make all necessary orders and may take all necessary steps to correct the same, and to re-assess and re-levy the same, including the ordering of work, with the same force and effect as if made at the time provided by law, or resolution relating thereto; and may re-assess and re-levy the same with the same force and effect as an original levy; whenever any apportionment or assessment is made and any property is assessed

too little or too much, the same may be corrected and re-assessed for such additional amount as may be proper, or the assessment may be reduced even to the extent of refunding the tax collected. Any special tax upon re-assessment, or re-levy, shall, so far as is practicable, be levied and collected as the same would have been if the first levy had been enforced; and any provisions of any law specifying a time when, or order in which acts shall be done in a proceeding which may result in a special tax shall be taken to be subject to the qualifications of this Act. Any and every rule and regulation of any Board of County Commissioners passed in substantial conformity with this Section is hereby legalized.

Manner of collection of re-levies.

Rules and regulations passed by Board.

Section 23. When any tax levied and assessed under any of the provisions of this Act is deemed unlawful by the party whose property is thus taxed, or from whom such tax is demanded, such person may pay such tax or any part thereof deemed unlawful under protest, to the County Treasurer, and thereupon such party so paying or his legal representative, may bring an action in any court of competent jurisdiction against the officer to whom such tax was paid, or against the County in whose behalf the same was collected, to recover such tax or any portion thereof, so paid, under protest; provided, however, that any action instituted to recover such tax paid under protest must be commenced within sixty (60) days after the date of payment thereof. The tax so paid under protest shall be held by the County Treasurer, until the determination of any action brought for the recovery thereof.

Action to recover tax paid under protest.

Time in which action must be commenced.

Section 24. Any mistake in the description of property or the name of the owner shall not vitiate any liens created by this Act, unless it is impossible to identify the property from the description.

Effect of mistake in name of owner or description of property.

Section 25. SUBDIVISION 1. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lot and lands, by deed duly recorded in the County Recorder's office in each county, or the person in possession of lands, lots or portions of lots, or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" for the purpose of this Act, according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee

Who shall be deemed the owner of property.

What deemed the possession of the owner.

holding and occupying under such persons shall be deemed the possession of such owner.

What words named in section shall include.

SUBDIVISION 2. The words "work," "improved" and "improvement," as used in this Act, shall include all work or the securing of property mentioned in this Act, and also the construction, reconstruction and repairs, of all or any portion of said work.

What "incidental expenses" shall include.

SUBDIVISION 3. The term "incidental expenses," as used in this Act, shall include the compensation of the County Surveyor for work done by him; also the cost of printing and advertising, as provided in this Act; also, the compensation of the persons appointed by the County Surveyor to take charge of and superintend any of the work mentioned in this Act; also the expenses or making the assessment for any work authorized by this Act. All demands for incidental expenses mentioned in this Subdivision shall be presented to the County Clerk by itemized bill, duly verified by oath of the demandant.

How demand for incidental expenses shall be made.

When publication required by Act shall be made.

SUBDIVISION 4. The notices, resolutions, orders or other matter required to be published by the provisions of this Act, shall be published in a daily newspaper or in a semi-weekly newspaper, or weekly newspaper, to be designated by the Board of County Commissioners, as often as the same is issued during the period specified for said publication, and no other statute shall govern or be applicable to publications herein provided for; provided, however, that in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such county, then such notices, resolutions, orders, or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in each voting precinct, except herein otherwise specifically provided. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer or clerk of the newspaper, or of the poster of the notice. No publication or notice other than that provided for in this Act, shall be necessary to give validity to any of the proceedings provided therein. The word "twice," as used in this Act, referring to the number of times notices, resolutions or other matter shall be published, shall be held to mean that publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or subsequent week.

How often.

Other statutes not to apply.

Posting of such matters.

Proofs of same.

Word "Twice" held to mean what.

SUBDIVISION 5. The word "municipality" and the word "city," as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized for municipal purposes.

The words "municipality" and "city" shall include, what.

SUBDIVISION 6. The words "paved" or "repaved" as used in this Act, shall be held to mean and include pavement of stone, whether paving blocks or macadam, or of bituminous rock or asphalt, or of wood, brick or other material, whether patented or not, which the Board of County Commissioners by rule or resolution shall adopt.

The words "paved" and "repaved" to mean and include, what.

SUBDIVISION 7. The word "street," as used in this Act, shall be deemed and is hereby declared to, include avenues, highways, lanes, alleys, crossings or intersections, courts and places, which have been dedicated and accepted according to the law or in common and undisputed use by the public for a period of not less than five (5) years next preceding, and the term "main street," means such actually opened street or streets, as bound a block; and the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

"Street" defined for purpose of this Act.

The word "block" defined.

SUBDIVISION 8. The term "County Surveyor," as used in this Act, shall be understood and so construed as to include and is hereby declared to include any person or officer whose duty it is, under the law, to have the care or charge of the roads or improvement thereof in any county.

Words "County Surveyor" to include whom.

SUBDIVISION 9. The term "Board of County Commissioners" is hereby declared to include any body or board which under the law is the legislative department of the government of the County.

The term "Board of County Commissioners" defined.

SUBDIVISION 10. The terms, "clerk," and "County Clerk" as used in this Act are hereby declared to include any person or officer who shall be clerk of the said Board of County Commissioners.

Terms "Clerk" and "County Clerk" include whom.

SUBDIVISION 11. The term "quarter block" as used in this Act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street halfway from such intersection to the next main street, or, when no main street intervenes all the way to the boundary line of any city.

Term "quarter block" defined

SUBDIVISION 12. The term "County Treasurer," as used in this Act, shall be held to mean and include any

"County Treasurer" defined.

person who, under whatever name or title, is the custodian of the funds of the County.

"Street intersection" defined.

SUBDIVISION 13. The term "street intersection" wherever used in this Act, shall be held to mean that parcel of land at the point of juncture or crossing of intersecting streets which lies between lines drawn from corner to corner of all lot lines immediately cornering at such juncture.

Jurisdiction of Board of County Commissioners not lost, when.

Section 26. Whenever in proceedings hereunder, a time and place for hearing by the Board of County Commissioners is fixed, and, from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power or jurisdiction of the Board of County Commissioners in the premises shall not be thereby divested or lost, but the Board of County Commissioners may proceed anew to fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper, such publication to be at least five (5) days before the date of the hearing, and thereupon the Board of County Commissioners shall have power to act in as in the first instance.

Power to fix a new time and give notice thereof.

Duty of County Clerk to publish and post, notices, orders, resolutions, etc., when not otherwise provided.

Section 27. Whenever any resolution, order, notice or determination is required to be published or posted, and the duty of posting or procuring the publication or posting of the same is not specifically enjoined upon any officer in the County, it shall be the duty of the County Clerk to post or procure the publication or posting thereof, as the case may be. No proceeding or step herein shall be invalidated or affected by any error or mistake or departure herefrom as to the officer or person posting or procuring the publication or posting of any resolution, notice, order or determination hereinunder when the same is actually published or posted for the time herein required.

Errors, mistakes and departures which will not invalidate proceedings, etc.

Section 28. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 29. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1917.

CHAPTER 157.

“An Act to Provide for the Appointment of the Members of the Live Stock Sanitary Board and Prescribing Their Powers and Duties; to Provide for the Appointment of Deputy State Veterinary Surgeons, Inspectors, Specialists, and Other Agents of the Board, and Prescribing Their Powers and Duties; to Provide Regulations and Methods for the Eradication or Prevention of Diseases in Domestic or Other Animals, Their Quarantine Inspection and Treatment; to Provide for the Destruction of Animals Diseased or Exposed to Disease, Together with the Destruction of Other Property, and Compensation Therefor; to Regulate Public Buck Herds; to Provide for Tuberculin Testing of Dairy Cattle, and Other Regulations for the Protection of Domestic Animals and Live Stock; to Prescribe Penalties for the Violation of This Act and to Repeal Sections 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902 and 1903 of the Revised Codes of Montana, 1907, Chapter 146 of the Session Laws of 1911; Chapters 68, 90, and 123 of the Session Laws of 1913; and Chapters 9 and 140 of the Session Laws of 1915.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Creation of Live Stock Sanitary Board.—The President of the Live Stock Commission, the President of the State Board of Health, and the State Veterinary Surgeon shall, ex-officio, constitute a Board to be known as the Live Stock Sanitary Board. The Board shall have the powers and perform the duties hereinafter defined, and a majority of the Board shall constitute a quorum for the transaction of business. The Board shall organize by electing one of their number Chairman, and whenever the personnel of the Board changes, by the advent of a new member, the Board shall again organize by electing a Chairman. The State Veterinary Surgeon shall, ex-officio, act as Secretary of the Board, without extra compensation. The members of the Board who are not receiving annual or monthly salaries as officials of the State, or State Boards, or of any county shall receive the sum of Ten Dollars per day for each day the Board is in session, and all members shall receive their actual and necessary traveling expenses in going to and

Live Stock Sanitary Board composed of whom.

Quorum.

Organization.

State Veterinary Surgeon to be secretary.

Compensation of certain members.

Actual traveling expenses allowed.

How claims for expenses to be presented, audit-end and allowed.

Meetings and notices thereof.

District Deputy Veterinary Surgeons, appointed how.

Qualifications.

Compensation.

Resident deputies.

Qualifications.

Subject to whom.

Powers.

To be compensated only for actual services, when and in what amounts.

Veterinarian may appoint inspector or other agents.

Compensation.

Duties.

Authority of deputies, inspectors, etc., to enter premises for inspection, quarantine or disinfection.

from meetings of the Board. All claims for per diem and expenses must be sworn to and accompanied with vouchers for each item of expense, and audited and allowed by the State Board of Examiners against the fund hereinafter provided for. Meetings of the Board shall be held upon call of the Secretary, after giving reasonable notice, to the members of the time and place, and must not exceed two meetings per year, except in cases of urgent necessity where immediate action pertaining to live stock sanitation is required.

Section 2. 1. Deputy State Veterinary Surgeons.—The State Veterinary Surgeon may by and with the approval of the Live Stock Sanitary Board appoint District Deputies as the occasion may require, who must be graduates of a regular and reputable veterinary college or the veterinary department of a regular and reputable university, and who shall receive such compensation as may be allowed by the Board. The State Veterinary Surgeon may by and with the approval of the Sanitary Board appoint, in various localities of the State, among veterinarians permanently located therein, Resident Deputies who must have the same qualifications as District Deputies, who shall be subject to the orders of the State Veterinary Surgeon and the Sanitary Board and who, together with the permanently employed Deputies to the State Veterinary Surgeon, shall have equal powers under the direction of the State Veterinary Surgeon and the Sanitary Board in accordance with the provisions of this Act. Resident Deputies, however, shall be paid only for actual services performed when directed so to do by the State Veterinary Surgeon or the Sanitary Board, and for such services, when so directed, shall receive the sum of not more than Eight Dollars per day, together with actual traveling expenses.

2. The State Veterinary Surgeon may by and with the approval and consent of the Sanitary Board appoint inspectors, or other agents, as occasion may require, who shall receive such compensation as may be allowed by the Sanitary Board, and whose duty it shall be to assist the State Veterinary Surgeon, or his Deputies, and to see that the orders of the State Veterinary Surgeon, and the provisions and regulations of the Sanitary Board are carried out.

3. The Deputy State Veterinary Surgeons, and live stock inspectors, or other duly authorized representatives, of the Sanitary Board are hereby authorized and

empowered to enter upon any grounds or premises in this State for the purpose of inspection, quarantine, or disinfection. They shall also have power under the direction of the State Veterinary Surgeon to carry out any other of the provisions of this Act.

Power to carry out provisions of Act, when.

Section 3. Employment of Specialists.—The Sanitary Board shall have authority to establish and maintain a laboratory and to employ one or more specialists and assistants who shall receive such compensation as may be allowed by the Sanitary Board, to investigate any subject tending to foster, promote, or protect the live stock industry of the State, and to cause to be made any biological product, curative or preventative agent, or perform any act which in their judgment is necessary or will tend to foster, promote, or protect the live stock industry.

Board may establish a laboratory and employ specialists.

Compensation.

Purposes and powers.

Section 4. Appointment of Federal Inspectors to Act as Deputy State Veterinary Surgeons.—Subject to the approval of the Chief of the Bureau of Animal Industry of the United States, federal inspectors may also be appointed Deputy State Veterinary Surgeons by the State Veterinary Surgeon with the approval and consent of the Sanitary Board. When so appointed they shall act without bond or compensation, and possess all the powers and duties of Deputy State Veterinary Surgeons, and shall hold such appointments at the pleasure of the State Veterinary Surgeon and the Sanitary Board, so long as they remain inspectors of said Bureau and as such are stationed in this State.

Federal inspectors may be appointed deputy veterinary surgeons, when.

To act without compensation or bond.

Powers and duties.

Hold appointment how long.

Section 5. Powers and Duties of State Veterinary Surgeon.—The State Veterinary Surgeon shall have the power, in addition to those already conferred upon him, and it shall be his duty:

Additional powers given State Veterinary Surgeon.

1. To act as chief executive sanitary officer of the Sanitary Board, and to do all other things necessary or proper for the successful enforcement of this Act.

Chief Executive officer of board.

2. To control and supervise and direct the action of all Deputies, inspectors or other agents.

Supervision of subordinates.

3. To enter on or in and examine any car, yard, stable, steamboat, corral, or other building, or any premise, and to examine any live stock therein or thereon, and otherwise to do therein or thereon whatever may be found necessary or proper in the discharge of his official duties.

Places which he may enter to examine stock, etc.

4. To quarantine any animal or animals suffering from or exposed to any contagious, infectious or danger-

May quarantine diseased animals.

Quarantine infected premises.	ous disease; to prohibit their movement or transportation without a certificate from him, and to quarantine premises infected or believed to be infected and prohibit the movement of stock therefrom or thereon; and to superintend and control the disinfection of any such premises, and to use any curative, protective or immunizing antitoxins or serum, or any diagnostic agents as needed, and to order and accomplish the slaughter of live stock suffering from dangerously contagious or infectious disease, or incurable disease; or live stock exposed to disease, the slaughter or quarantine of which may become necessary under the regulations of the Board; and to order and accomplish the disposition of the carcasses of such slaughtered stock; and to superintend, control and accomplish the burial or other disposition of the carcasses of any animals dying from any of said diseases.
To use curatives.	
Cause slaughter of diseased live stock, etc.	
Disposition of carcasses.	
Make complaint against violation of any live stock laws.	5. To make complaint against any person or persons violating any law relative to live stock, and to procure a warrant whenever conditions permit; and to bring the person or persons before the proper magistrate or officer and notify the Sanitary Board thereof and of his action.
Additional powers of State Sanitary Board and Veterinary Surgeon.	Section 6. Powers and Duties of State Sanitary Board.—The State Veterinary Surgeon and the Sanitary Board shall have power, in addition to the powers now conferred upon them by law:
Supervision of appointee.	1. To supervise and control the action of all Deputies, inspectors, agents, and specialists, and to prescribe regulations to govern them.
Renewal of same.	2. To remove all its appointees, subordinates and servants at any time with or without cause.
Supervise sanitary conditions of live stock and quarantine places of same.	3. To supervise the sanitary condition of live stock of this State; and they are authorized and empowered to quarantine any lot, yard, pasture, field, farm, town, city, township, county, or any part of this State, or any stall, enclosure, barn, stable, or building whenever it shall be determined, as provided by law, by the State Veterinary Surgeon, or acting State Veterinary Surgeon, that the live stock therein or thereon are affected with a contagious, infectious, or communicable disease, or are infested with insects or other agencies or means by which such disease is communicated; and to prescribe and enforce sanitary and police regulations which may be deemed necessary to circumscribe and extirpate such disease. Said Board shall give notice of the establishment of any quarantine to the owner, foreman, or the keeper of the live stock so quarantined, which notice may be
To enforce what regulations.	
Notice of quarantine.	

by publication, or by service personally or by registered mail on the foreman, owner, or keeper of the live stock. In the case of district quarantine, notice shall also be given to the proper officials of railroads, steamboats, or other transportation companies doing business in or through the quarantined parts of the State, which said notice may be given by publication in such newspapers of the State as the Board may select, or by mail.

How given.

Notice of district quarantine.

4. To establish and maintain regulations that may be deemed expedient; or as may be from time to time necessary to prevent and suppress contagious, infectious or dangerous animal diseases, including the authority to prohibit the importation of animals when deemed necessary by them as a sanitary safeguard. Provided, that all sanitary regulations adopted by the State Veterinary Surgeon and Sanitary Board or to be recommended to the Governor, shall, as far as is possible, be in conformity and harmony with the regulations of the Secretary of Agriculture of the United States, as the same may exist from time to time; and, provided further, that in cases of acutely contagious, infectious, or rapidly fatal disease the powers conferred by this paragraph on the Board may be exercised by the Chairman or Secretary. Copies of such regulations shall be printed and furnished to all railway common carriers within this State and all Deputies within this State, members of the different health boards, and to the sheriffs of each county within the State, who shall keep them posted in their offices.

Establish regulations to prevent and suppress contagious and other dangerous animal diseases.

Sanitary regulations to conform with what.

When powers of board may be exercised by chairman or secretary.

Copies of sanitary regulations to be furnished to whom.

5. To aid the prosecution of all alleged violations of this Act or violations of the regulations prescribed in conformity with this Act; and to aid prosecution for interfering with the lawful actions of their appointive officers.

To aid in prosecution of violations of Act, etc.

6. To direct and regulate the slaughter of all diseased animals and the dipping and treating thereof for disease, and to order and regulate the gathering and handling of range and other live stock to that end, and to make all and any necessary regulations or rules or orders relative to the gathering, handling, and treating or destruction of any animal mentioned herein suffering from or exposed to any contagious or infectious disease.

To direct and regulate the slaughter of diseased animals, etc.

Gathering animals suffering from exposure.

7. In the case of scabies, or any other infectious or contagious disease among domestic animals on the public range if, after due notification, the owner, agent or person in charge fails, within ten days, subsequent to such notification from the State Veterinary Surgeon, or Deputy, or Sanitary Board, to take such animal or animals

Authority to round up animals suffering from certain diseases, when.

- up and properly treat the same, under the direction of the State Veterinary Surgeon, or Deputy, then the Sanitary Board shall have authority to order the rounding up of such animal or animals and procure the proper treatment of the same by the State Veterinary Surgeon, or Deputy, all of which expense shall be a first lien upon the animal or animals and said lien shall take precedence over all other liens; provided, in case of scabies the time for gathering and rounding up range animals may be extended by written order of the Sanitary Board to a period of not exceeding sixty days from date of notification, or in case of emergency, on account of acutely dangerous diseases, may be limited by said Board to twenty-four hours or less, as in their judgment is necessary. Provided further, that if any of said domestic animals on the public range are estrays and the owner thereof is not known and cannot with reasonable diligence be found, then the Sanitary Board shall have the same authority to order the rounding up of and to procure the treatment of said animal or animals as is herein conferred upon it in handling animals other than estrays and said stray animals shall be subjected to all the provisions of this section; and provided further that any animal or animals upon which a lien is created by this section may, upon order of the Sanitary Board, be sold at public sale to the highest bidder, after at least ten days' notice, to be given in such manner as the Sanitary Board may provide. The proceeds from such sale to be applied, first in satisfying said lien and the balance, if any, to be turned over to the owner, if known. If the owner of the animal or animals so sold is not known then the balance, if any, is to be deposited with the Secretary of the Live Stock Commission, to be by him held subject to proof of ownership of the animal or animals sold, for a period of two years from the date of sale, at which time if no person has proven his ownership of the animal or animals sold, such balance must be transferred to the credit of the stock indemnity fund, and no action for the recovery thereof by the owner of such animal or animals or his assigns shall thereafter be maintained.
- Cost a first lien.
- Board may extend time of rounding up in case of scabies how long.
- In cases of emergency.
- In case of estrays.
- When animal may be sold to satisfy lien thereon.
- Disposition of proceeds of sale.
- Powers concerning to dipping of live stock.
8. The Sanitary Board shall have authority to prescribe how live stock shall be dipped, or otherwise treated, the kind of dip, and to make regulations for the information and guidance of the Deputies, inspectors, and other agents in the discharge of their duties.

Section 7. Quarantine When Ordered.—In all cases of scab or other external parasitical diseases where such parasite is commonly known, the exhibition of such parasite shall be made by the State Veterinary Surgeon, or his Deputy, when requested to do so by the owner, before the State Veterinary Surgeon, or his Deputy, shall order the animals dipped; provided, however, that such shall not be necessary in all animals in a herd, or band, or where positive and direct exposure is known to have occurred; provided further, that exhibition of such parasite in sheep shall not be necessary when sheep have been exposed either directly to diseased animals, or which have crossed or been upon exposed range or premises, and provided further, that the State Veterinary Surgeon, or his Deputy, may order suspected diseased, or exposed, animals quarantined for a sufficient period to determine whether or not infection has taken place.

Duties of Veterinarian, in cases of scab, before ordering dipping.

Proviso.

When not necessary to exhibit parasite in sheep.

May order exposed animals quarantined to determine what.

How animals may be removed from quarantined part of state.

When unlawful to move animals from, or into, or in a quarantined district.

Section 8. Removal of Live Stock from Quarantined Areas.—Live stock may be moved from a quarantined part of the State to any other part of the State under and in compliance with the rules and regulations of the Sanitary Board, and it shall be unlawful to move, or allow to be moved, any live stock from one place to another place within the quarantined district or onto a quarantined district, or from any quarantined district to a district not quarantined, in any manner or method, or under conditions other than those prescribed by the rules and regulations of the Sanitary Board.

Authority to cause certain diseased or exposed animals slaughtered.

Section 9. Slaughtering of Diseased Animals.—In all cases of contagious, infectious and communicable diseases existing among live stock, the Sanitary Board is hereby authorized and empowered to cause the slaughter of all live stock which are known to be so diseased, or have been exposed to such disease, when the State Veterinary Surgeon shall decide that the same is necessary for the protection of other live stock; and said Board is hereby authorized to cause the destruction of all barns, stables, out-buildings, premises, fixtures, furniture, and personal property infected with any such contagious, infectious or communicable disease so far as in the judgment of the State Veterinary Surgeon may be necessary to prevent the spread of such disease, or where the same cannot be properly disinfected.

Power to cause infected property and places destroyed.

Section 10. Payment for Animals and Property Destroyed.—Animals with reference to compensation for slaughter shall be divided into two classes.

Classification of animals slaughtered for purposes of compensation.

First class.	1. Animals determined by either the State Veterinary Surgeon or his Deputy to be affected with an incurable disease requiring slaughter, such as tuberculosis, glanders, dourine, or other diseases determined to be incurable by the Sanitary Board, or believed and designated by them as incurable, shall be designated as animals of the first class and shall be paid for according to their full assessed valuation thereof as shown on the last assessment roll of the county in which such stock was assessed; but the amount paid shall not in any case exceed the actual sound value of such stock at the time of the assessment, and shall in no case exceed the sum of Five Hundred Dollars for any one animal; nor shall compensation be paid for stock whose owner has intentionally evaded the taxation thereof.
Full assessed value to be paid as shown where.	
Limit to amount to be paid.	
When animals shall not be paid for.	
Second class.	2. Animals diseased with an infectious, contagious, communicable or dangerous disease which is not necessarily fatal, or which are exposed to such disease, and which are destroyed as a sanitary safeguard shall be designated as animals of the second class and shall be paid for according to their full appraised valuation. Prior to the destruction of animals of the second class the State Veterinary Surgeon, or his authorized agent, shall agree with the owner upon the value of such stock to be destroyed, one certificate of the appraised value to be forwarded to the State Auditor, one to the Sanitary Board, and one given to the owner. In case an agreement cannot be made, the State Veterinary Surgeon, his agent, or member of the Sanitary Board shall notify the nearest Justice of the Peace and deliver to him the order therefor. The Justice of the Peace shall thereupon summon before him three discreet and reputable citizens who shall have no interest in the live stock to be slaughtered to act as appraisers of the value of the live stock and administer them an oath to make a true and impartial appraisement of the stock to be slaughtered without prejudice against or favor to anyone. Thereupon the appraisers shall inspect the stock and make appraisement thereof. They shall also return to the Justice of the Peace certificates of their valuation of the animal or animals so appraised, containing an accurate description thereof. One of the certificates shall be filed with the Justice of the Peace; one shall be forwarded to the State Auditor; one to the Sanitary Board, and one to the owner or agent of the stock or property to be destroyed. The fee of the Justice of the Peace for swearing apprais-
Full value to be paid.	
Value to be agreed upon before slaughter.	
Certificates to be sent to whom.	
Proceedings when value not agreed upon.	
Duty of Justice of the Peace.	
Duty of appraisers.	
Certificates to be forwarded to whom.	
Fees of Justice.	

ers and filing certificates shall be the sum of Three Dollars, and the appraisers shall receive Three Dollars per day and their necessary traveling expenses while engaged therein, all of which shall be deducted from the value of the animals or property so appraised and paid upon order of the Board out of the Stock Indemnity Fund. The State Veterinary Surgeon, or his authorized agent, shall superintend the destruction of the carcasses of such animals, or of the property.

Fees of appraisers and their expenses.

To be paid out of what fund.

Destruction of carcasses.

3. Barns, stables, out-buildings, premises, fixtures, furniture, and personal property ordered destroyed under the provisions of this Act shall be appraised and paid for in the manner as provided for the payment of animals under the second class.

Appraisal of property destroyed.

Pay for same.

4. Animals of the first class shall be paid for as animals of the second class when a mistake has been made and no evidence of an incurable slaughterable disease is discovered upon autopsy or bacteriological, serologic, or microscopic findings. The value in such cases to be obtained from the best evidence obtainable.

Animals of first class to be paid for when and how.

5. In the payment of animals of the first class the State shall pay one-half and the county where the said animals were owned shall pay one-half, out of the general fund of the county.

State and county shall each pay half for animals of the first class.

6. Claims against the State and county arising from the slaughter of animals of the first class shall be made by the owner with the State Auditor and county commissioners, and affidavit from the owner that the animal or animals have been killed and buried in accordance with law and a certificate from the State Veterinary Surgeon that such animal or animals were ordered destroyed, together with a certificate from the county assessor designating their assessed value or the minimum assessed value for that class of animal. The State Auditor shall examine the same and if found correct he shall issue a warrant upon the State Treasurer for fifty per cent of the sum named in the return and the board of county commissioners shall cause to be paid fifty per cent of the sum found in the return, from the general fund of the county in which the animals were owned.

Claims for slaughtered animals of first class.

Affidavit by owner.

Certificate of Veterinary Surgeon.

Certificate of County Assessor.

Duty of State Auditor.

7. Where animals of the first class do not appear on the last assessment roll of the county, then the value shall be the minimum value as found on the last assessment roll for that class of stock for the county in which the stock was owned.

Value of animals when they do not appear on assessment roll.

When carcasses
of slaughtered
animals found fit
for food.

What owner may
receive.

When carcass
may be sold.

Disposition of
proceeds of sale.

In case of sale of
carcass of animal
in second class.

Indemnity to be
limited by ap-
praised value of
property de-
stroyed.

Property not be
paid for.

Exception.

Exception.

8. Where carcasses of animals ordered. destroyed under this Act are found, upon post mortem inspection (which inspection must be made in accordance with the regulations of the United States Bureau of Animal Industry by a State or Federal Veterinarian) fit for human consumption, the owner may receive the net proceeds from the sale thereof of such carcass, and shall have no further claim against the State on account of such slaughter. Should the owner refuse to accept the money then the representative of the Sanitary Board may proceed to sell the carcass and the net proceeds obtained therefrom, in the case of animals of the first class, shall be made payable, fifty per cent to the Live Stock Indemnity Fund and fifty per cent to the treasurer of the county in which the animal or animals were owned. In the case of animals of the second class, all salvage moneys shall be made payable to the Live Stock Indemnity Fund.

Section 11. When Compensation Shall Not be Paid.—Owners of animals slaughtered, or of property destroyed, as herein provided shall be entitled to indemnity therefor to the extent of such assessed or appraised value, excepting in the following cases:

1. Animals belonging to the United States.
2. Animals brought into the State in violation of any of the provisions of this Act.
3. Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession.
4. Animals which had the disease for which they were slaughtered or which were destroyed by reason of exposure to the disease, at the time of their arrival in the State, provided, that any animal or animals of the second class which were shipped into the State in accordance with the Sanitary Board regulations and accompanied by the proper certificate of health from a recognized state or federal veterinarian, may be paid for if such payment is authorized by the Live Stock Commission and the Sanitary Board, and approved by the State Board of Examiners.

5. Animals which have not been within the State of Montana for at least one hundred and twenty days prior to the discovery of disease, provided that animals of the second class which have not been in the State one hundred and twenty days may be paid for when such payment is authorized by the Live Stock Commission and

the Sanitary Board, and approved by the State Board of Examiners.

6. When the owner or agent has not used reasonable diligence to prevent disease or exposure thereto.

Section 12. Compensation by Federal Government.—In all cases where the Federal Government compensates owners for live stock or property destroyed on account of an infectious, contagious, or communicable disease, then such payment as has been made by, or is due, from the Federal Government shall be deducted from the payment herein provided.

Amount paid by Federal government to be deducted from state amount.

Section 13. Notice to Owners of Animals or Property Condemned.—Notice of condemnation of animals or property by the State Veterinary Surgeon, or his Deputy, after inspection, shall be given, and such notice must be either personally served, or served by mail, or by leaving at the residence of such owner, or custodian, with any person over the age of fifteen years, except in cases of animals or property not in the direct custody of any person, and whose owner is either unknown or resides so far away as to make immediate notice impractical, or delay dangerous, and when animals are clinically diseased and not under restraint, which notice must designate the disease, and require that such owner or custodian kill the animal, and bury or burn it, in manner and time to be declared therein.

Notice to owner of condemnation and service thereof.

Excepted cases.

Notice to designate and require what.

2. If such owner or custodian fails to comply with such order, the State Veterinary Surgeon, or Deputy, may forthwith seize such animal or animals and enforce the order at the cost of such owner or custodian. If such owner or custodian dispute the existence of such disease or any slaughterable disease, he shall serve a written notice of protest on the State Veterinary Surgeon, or Deputy (serving original notice) and shall fix in such notice of protest a time and place (the former not later than 136 hours after the service of original protest) when and where he will kill such animal or animals. Such notice of protest shall be served in season to enable the State Veterinary Surgeon, or Deputy, to attend the killing. And thereupon the State Veterinary Surgeon or Deputy shall attend the killing and hold an autopsy on such animal or animals in the presence of the owner, or custodian or any other person by him selected to be present. Where no evidence of an incurable slaughterable disease is discovered upon autopsy, or bacteriologic, serologic, or microscopic findings, the animal or animals

When owner fails to comply.

When owner disputes cause for slaughter.

Notice of protest to contain what.

When notice of protest shall be served.

Duty of veterinarian to attend and hold autopsy.

Animal to be paid for when and how.

Procedure if tissue shows such lesion.	shall be paid for as in the case of animals of the second class. But if found, a part of the tissue of each animal showing such lesion shall at the time be delivered to such owner, custodian or representative, the receipt of the latter taken therefor, and another part of said tissue, and said receipt, sent to the State Veterinary Surgeon, who shall retain them until the claim is fully disposed of.
Right of action for killing after protest.	On any killing after notice or protest, a right of action shall arise in favor of the owner, or custodian, against said Sanitary Board; but recovery in such action shall not be had unless the non-existence of such lesion or evidence at the time of the examination be affirmatively proven. Any judgment recovered by the plaintiff in such action shall be paid out of the Stock Indemnity Fund. In all cases where animals of the first class are killed without notice, autopsy shall be held, and a certificate of the discovery or non-discovery of lesions, together with part of tissue be forwarded the State Veterinary Surgeon as above, except when the animal or animals to be slaughtered show unmistakable symptoms of disease requiring slaughter, in which event a certificate stating said fact shall be forwarded the State Veterinary Surgeon.
Recovery not to be had, unless.	
How judgment in favor of owner to be paid.	
Autopsy to be had in what case.	
Certificate and tissue to be forwarded to State Veterinarian when.	
When permit of sale of carcass to be given.	3. When no lesion is found and the value of the meat for human consumption has not been affected, the State Veterinary Surgeon or Deputy holding the autopsy shall issue a permit of sale and the carcass may be sold for food, after inspection and proper certification of such fact is made by the State Veterinary Surgeon or Deputy.
Owner liable for what expenses under Act.	Section 14. Expenses for Treating or Burying Animals.—The owner, or custodian, shall be alike liable for expenses incurred in the treatment, dipping, or handling of any live stock under the provisions of this Act, or for the proper disposition of burial of any live stock which dies from a contagious, infectious, or communicable disease, or is destroyed on account of an infectious, contagious, or communicable disease, and whenever such owner or custodian is so liable for such expenses the State Sanitary Board shall have a lien on said live stock or any other live stock owned by the person liable, and which lien shall be a first lien and precede any other lien or claim, or demand, against said property. The Sanitary Board may also maintain civil action for the amount of such expenses against a person liable therefor.
Lien for expenses.	
Suit for may be maintained.	
When Board or State Veterinarian may employ persons to care for Quarantined sheep.	Section 15. Enforcement of Sheep Quarantine.—The Sanitary Board, and when the Board is not in session

the State Veterinary Surgeon, may employ persons to take charge of all diseased or exposed sheep under quarantine upon the failure of the owners to take care and to assist the State Veterinary Surgeon or assistant, and the person so employed shall be under the supervision and control of the Sanitary Board and the State Veterinary Surgeon.

Section 16. Duty to Inspect Sheep.—It shall be the duty of Deputies or other duly authorized agents of the Sanitary Board to inspect all sheep which he, or they, may have received notice, or information, are affected with or have been exposed to any infectious contagious disease, and if the sheep are found affected with, or have been exposed to, any infectious or contagious disease they must be quarantined and the regulations for their quarantine, holding and treatment must be at once made by the Deputy, or authorized agent. Deputies and duly authorized agents of the Sanitary Board shall have the authority, with the advice and consent of the State Veterinary Surgeon to determine and superintend the preparation and mixture of material used in dipping sheep and other live stock, and must cause all sheep so dipped and quarantined on account of scabies or exposure to scabies to be distinctly marked with a red letter "S" on the right side. All sheep dipped shall be held in quarantine at least ninety days after the last dipping, or until released therefrom by a Deputy or duly authorized agent of the Sanitary Board or upon the order of the State Veterinary Surgeon.

Duty of deputies and inspectors to inspect sheep.

Duty to quarantine sheep when.

Authority of deputies and agents to superintend preparation of dipping material.

Must cause sheep to be dipped and quarantined, when, and marked.

Dipped sheep to be quarantined 90 days.

Section 17. Official Supervision of Dipping.—Upon receipt of information that any sheep are affected with or have been exposed to any infectious or contagious disease, the Deputy or agent of the Sanitary Board must immediately cause such sheep, and all sheep running in the same flock or upon the same or contiguous range with them, to be examined and if found so diseased, or exposed to disease, to be quarantined and held within a certain limit, or place, to be designated by him, and such sheep must be held in quarantine until the owner, or person in charge, or the inspector has eradicated such scabies or other infectious or contagious disease, and the inspector issues a certificate stating such facts and releasing such sheep from quarantine. When sheep affected with, or exposed to, any infectious or contagious disease have been kept in any building or corral, the inspector must inspect and quarantine such premises and

Duty of deputies and agent to examine sheep after notice.

Duty to quarantine when.

Must be held until what time.

When premises must be quarantined and sheep kept out.

Must be cleaned and disinfected within what time.

Dipping must be under supervision of whom.

Authority of State Veterinary Surgeon and deputies to order quarantined diseased sheep and premises.

Sheep shipped into state, quarantined separately.

Native sheep to be quarantined where.

When sheep to be forbidden transferred from their accustomed range.

Proclamation or order to forbid other sheep being driven into or across such locality.

Sheep deemed exposed.

Duty of railroad company shipping sheep into state.

Duty of railroad company when destination is changed to place within this state.

prohibit any sheep being placed therein until such premises have been cleaned and thoroughly disinfected, which must be attended to within ten days from date of quarantine. In the dipping of sheep for scabies, such dipping must be under the supervision of an authorized agent of the Sanitary Board.

Section 18. Quarantine of Infected Premises and Diseased Animals.—In all cases of scab or other infectious or contagious disease among sheep in this State, the State Veterinary Surgeon, Deputy, or inspector, has authority to order a quarantine of the infected premises and diseased animals, or animals exposed to such disease, and to define the limits within which such sheep must be kept, and to prohibit any other animals from being driven into or across or kept within such quarantine limits; provided, that in all cases sheep shipped into this State must be quarantined separately, and in no case shall foreign sheep be mixed or quarantined on the same area with native sheep, and all native sheep must be quarantined within the limits of their accustomed range and in case such disease become enzootic or epizootic in any locality in this State, upon notification from the State Veterinary Surgeon the Governor must issue a proclamation, or the Live Stock Sanitary Board a regulation, forbidding any sheep to be transferred from such locality without a certificate from the State Veterinary Surgeon, Deputy, or inspector, showing such sheep to be free from any infectious or contagious disease, and forbidding all persons from driving any sheep into or across such locality, or keeping or herding them therein. Any sheep going, or being driven into or across such prohibited locality to quarantine premises, shall be deemed exposed to such infectious or contagious disease, and may be so declared and detained in quarantine, and if deemed necessary by the State Veterinary Surgeon, Deputy, or inspector, may be dipped.

Section 19. Duty of Railroad Company to Notify State Veterinary Surgeon.—When any sheep are delivered to any railroad or transportation company for shipment to this State, as a point of destination, it shall be the duty of such transportation company to notify the State Veterinary Surgeon by telegraph the date of said shipment, the name of the place from which they are shipped, the point of destination, the number of cars, the names of the consignor and consignee, and the probable date of the arrival of the said sheep at their des-

tinuation; and when any sheep are billed to be shipped through the State and afterwards the point of destination is changed to some place within the State it shall be the duty of the railroad or transportation company upon receiving a request to change the point of destination, to notify the State Veterinary Surgeon by telegraph, giving the name of the consignor and consignee, the number of cars, and the point of destination to which the shipment is changed. In no case must any sheep affected with, or having been exposed to any infectious or contagious disease, be removed or allowed to be removed, from one point to another, within any county, or from one county to another in this State, without a written certificate from the State Veterinary Surgeon, or Deputy. It shall be unlawful for any railroad company or transportation company to ship sheep from one place to another, within this State, in cars in which other sheep have been shipped, until such cars have been cleaned and carefully disinfected, under the supervision of the State Veterinary Surgeon, Deputy, or authorized agent, who shall give a certificate of such inspection, which shall accompany the shipment. It shall be the duty of every railroad or transportation company, before cleaning or disinfecting any such car or cars, to give notice to the State Veterinary Surgeon, Deputy, or authorized agent, at least five days before the cars are to be so cleaned and disinfected; and it shall be the duty of the State Veterinary Surgeon, Deputy, or authorized agent upon such notice being given, to inspect, on or before such date, such car or cars, so cleaned and disinfected, and to give the proper certificate therefor. It shall be the duty of every railroad or transportation company in this State to keep all yards, corrals, sheds, or buildings in this State used by such company for holding or feeding live stock in transit, and all cars used for shipping live stock, clean and free from infection from scab, or other infectious or contagious disease; and it shall be the duty of the State Veterinary Surgeon, Deputy, or authorized agent to inspect such yards, corrals, sheds, buildings, and cars, when deemed necessary, and if they are infected or exposed to infection from any infectious or contagious disease, to at once notify such company of the fact, and declare the premises and cars in quarantine, and forbid any animals from being placed or kept therein, until the premises and cars are disinfected; and it shall be the duty of the company to cause

When sheep shall not be moved from one place or county to another without written certificate.

Railroad cars in which sheep have been shipped must be disinfected when.

Railroad company must give notice before cleaning and disinfecting cars.

Duty of Veterinary force to inspect cars.

Duty of railroad company regarding stockyards, cars, etc.

Inspection by veterinary force.

To declare cars, etc. in quarantine, when.

Duty of company.

In case company fails to clean and disinfect.

Authority of Veterinary Surgeon and deputies to enter railroad places to inspect, etc., same.

Fees and expenses a charge on railroad.

Notices may be served on whom.

Notice by telegram of sheep being shipped into state.

When may be by registered mail. Duty of Veterinary Surgeon.

Expenses of inspection, feeding, holding, etc., to be paid by owner.

Charges a prior lien on stock.

the premises to be thoroughly cleaned and disinfected under the supervision of the State Veterinary Surgeon, and if they fail to do so within five days after such notice, the State Veterinary Surgeon, Deputy, or authorized agent, shall cause the premises to be disinfected. The State Veterinary Surgeon and the inspector shall have authority to enter into all such cars, yards, corrals, sheds or buildings, for the purpose of inspecting or disinfecting the same. The fees and expenses of the State Veterinary Surgeon, Deputy, or authorized agent, and all expenses incurred in inspecting and disinfecting such premises and cars, shall be a charge against the railroad or transportation company, and may be recovered in a civil action in any court of competent jurisdiction. The notice above mentioned may be served upon the agent or other official in charge of the station at which such yards, corrals, sheds, buildings, or cars are situated.

Section 20. Owner or Agent of Imported Sheep to Notify State Veterinary Surgeon.—Within five days previous to the arrival of any sheep in this State, from any other state or territory, the owner or agent of the sheep must report by telegraphic dispatch, to the State Veterinary Surgeon, at Helena, Montana, stating from what country, state, or territory the sheep are shipped or being driven from, the number thereof, and the place where they will first enter the State, and where it is intended to unload them, or, the notice may be given by registered mail, if mailed in time so that in the ordinary course of mails it will reach the State Veterinary Surgeon's office five days before the sheep would reach the State, and the State Veterinary Surgeon shall, immediately on receipt of such notice, notify an authorized agent of the Sanitary Board, and it shall be the duty of the agent to immediately inspect the sheep, and to make such order or orders for their quarantine, treatment and dipping as may be necessary.

Section 21. Expenses of Inspection.—The expense of inspecting, feeding, holding, dipping, treating, marking and taking care of all live stock inspected, quarantined, dipped, or otherwise treated under the provisions of this Act, including fees and expenses of the authorized agent of the Sanitary Board, on account of services rendered, must be paid by the owner, agent, or person in charge of the live stock, and the charge shall be a lien upon the live stock for such charges and expenses, which lien shall be prior to and paramount to any and all other liens.

demands, or other claims against such live stock, and the agent of the Sanitary Board may retain possession of the live stock until the charges and expenses are paid; but the lien shall not be dependent upon possession, and the lien may be foreclosed in the name of the agent of the Sanitary Board by a sale of the stock, or as many thereof as may be necessary to pay the sum of the costs of sale at public auction on ten days' notice by posting notice thereof in three public places in the county, or such lien may be foreclosed by an action in any court of competent jurisdiction against the owners of the live stock to recover the amount of the charges and expenses; provided, however, that when the live stock has been shipped into the State, accompanied by the proper health certificate, and has complied with all the regulations of the Sanitary Board, and the provisions of any Governor's proclamations at that time in effect, and the laws of Montana, and all native live stock where reasonable diligence has been exercised to prevent disease or exposure thereto, the expenses of inspection and supervising treating or dipping of such live stock shall be paid out of the funds at the disposal of the Sanitary Board.

May retain stock until lien is paid.

Foreclosure of lien.

When expenses to be paid by funds of Sanitary Board.

Section 22. Dipping of Sheep Temporarily in the State.—Any sheep that are shipped or driven into this State, with the intention on the part of the owner of holding them within the State longer than is necessary to feed them in transit, which feeding must be done in the railroad stock yards, corrals, or buildings, must be at once quarantined and dipped under the supervision of the State Veterinary Surgeon, Deputy, or authorized agent, at the point of entry or unloading, or as near such point as may be deemed safe by the State Veterinary Surgeon, Deputy, or authorized agent, without danger of scattering infection, and when so dipped shall be branded with a red letter "S" on the right side. After the sheep are so dipped and branded, they may be moved to the ranch or range where it is the intention of the owner to keep them, providing they can be moved to such ranch or range within ten days, when they must be dipped a second time; Provided, that any sheep that are shipped into the State of Montana over any railroad with the intention on the part of the owner of holding them within the State longer than is necessary to feed them in transit (which feeding must be done as hereinbefore provided) may be accompanied by a certificate of an official graduate veterinarian setting forth that the sheep are clean,

Sheep temporarily in state must be dipped when and how.

Branded.

When to be dipped the second time.

When sheep are accompanied by certificate of a graduate veterinarian.

are free from scab or other contagious or infectious disease; that they come from a locality which is free from scab or other contagious or infectious diseases, and that the cars in which they were shipped were properly disinfected and were free from infection. Sheep accompanied by a certificate of an official graduate veterinarian shall be inspected at the first unloading point in this State under the direction of the State Veterinary Surgeon and when accompanied by such certificate and so inspected and found free from scab or other infectious or contagious disease, the animals need not be dipped as hereinbefore provided, but shall be branded with a red letter "S" on the right side, and then trailed from their final unloading point under the direction of the State Veterinary Surgeon to their range, which range shall be owned or occupied previously by the owner of the sheep, and thereupon quarantined for a period of not less than ninety days, and as much longer as is necessary at the discretion of the State Veterinary Surgeon. Provided: That sheep so shipped into the State shall not be trailed through the State for any distance exceeding fifty miles from the point of unloading at which such trailing begins, without being quarantined and dipped as herein first provided. And provided further; that sheep that have been unloaded in transit into yards which have not been disinfected since holding other sheep outside the State of Montana shall not be deemed clean or free from scabies or other infectious or contagious disease, and shall be quarantined and dipped as herein first provided. And provided further; that sheep driven into this State (which sheep shall be animals that are habitually grazed in this State, or an adjoining state, and not otherwise) may be accompanied by the certificate of an official graduate veterinarian, as before provided, shall be inspected at the State line under the direction of the State Veterinary Surgeon of Montana; and before driving such sheep in this State, the owner or person in charge shall procure from the State Veterinary Surgeon or an authorized agent, permit to drive the sheep over a certain route to their destination; which destination shall not exceed seventy-five miles from the State line. If the sheep are accompanied by such certificate, and upon inspection, are found free from scab or other contagious or infectious disease, they need not be dipped, but shall be branded with a red letter "S" on the right side, and shall then be trailed from the State line, under the direc-

Shall be branded.

Range must be owned by whom. Must be quarantined.

Limit of distance sheep may be trailed without dipping, etc.

When sheep unloaded in transit to be quarantined and dipped.

Sheep driven into state; requirements.

Permit to drive into the state over certain route.

When such sheep need not be dipped but must be branded.

toin of the State Veterinary Surgeon to their range, which range shall be owned or previously occupied by the owner of the sheep, and shall be quarantined on such range for a period of not less than ninety days and as much longer as is necessary in the judgment of the State Veterinary Surgeon; otherwise, and in either instance, they shall be quarantined and dipped as herein first provided. And provided further that the State Veterinary Surgeon may, if in his judgment the circumstances of any particular case warrant such action on his part, order any sheep shipped or driven into the State to be quarantined and dipped as herein first provided if, before making such order he shall receive from the Sanitary Board its approval in writing for such action on his part. Provided further; that all rams entering the State of Montana from other states, must be dipped twice at an interval of not exceeding fourteen days according to the regulations of the Sanitary Board at, or as near the point of entry as is practical, and after the second dipping such rams must be quarantined for a period of not less than ninety days and until inspected and released by a representative of the Sanitary Board, but may be used for service in which case all ewes must be likewise quarantined for a period of not less than ninety days, and until inspected and released by a representative of the Sanitary Board on land owned, leased, or controlled by the owner. Provided further; that where rams are shipped into the State for sale they shall be dipped and quarantined in one place for a period of not less than ninety days.

Section 23. Certificate to Run a Public Buck Herd.—No person or persons shall conduct what is known as a public buck herd in this State without first receiving from the State Veterinary Surgeon a permit to do so. Such permit must be in writing, and signed by the State Veterinary Surgeon, and must be issued by him upon receipt of an application in writing for a permit. All persons receiving a permit to conduct such herds shall, on or before the 15th day of July in each year, report to the State Veterinary Surgeon the number of bucks in the herd, the owners thereof, and the number owned by each, and where the herd is kept, and any subsequent additions made to the herd must be reported to the State Veterinary Surgeon as soon as made. It shall be the duty of the State Veterinary Surgeon to cause all such buck herds to be inspected. The keeper of such herds

Must be quarantined on range owned by their owner.

When dipping and quarantining in discretion of Veterinary Surgeon.

All rams entering state must be dipped twice.

Quarantined for 90 days.

May be used how.

When shipped in for sale.

Permit must be obtained to run a public buck herd.

Report to be made on or before July 15th.

Inspection to be made.

Other regulations.

shall not permit any animals to be removed from the herd, and no person shall remove any animals therefrom, until inspected and certificate of health issued. When animals are so removed, the keeper of such herd shall give to the owners or persons removing bucks a copy of the certificate of the State Veterinary Surgeon, and such owner or person must, on demand of any sheep owner in this State, exhibit such certificate. A public buck herd within the meaning of this Act shall be one consisting of bucks owned by two or more persons or partners.

Definition of public buck herd.

Authority given to make tuberculin test of dairy cattle, when.

Section 24. Tuberculin Test of Dairy Cattle.—It shall be the duty of the State Veterinary Surgeon and his Deputies, in addition to the duties now or which may be hereafter conferred upon them by the Sanitary Board, to apply the tuberculin test, when directed by the Sanitary Board or State Board of Health, to all dairy cattle within the State, the milk or milk product of which is used for public consumption, or sold, disposed of, or given away in any manner for the use of the public.

Disposition of animals discovered to be affected with tuberculosis.

Section 25. Disposal of Tuberculous Cattle.—Whenever tuberculosis is discovered in any bovine animal the owner of the tuberculous animal shall retain the animal or animals under such restrictions or rules as the Sanitary Board may direct, or the animal may be destroyed and compensated for as in animals of the first class.

How tuberculous cattle may be shipped into state and post mortem inspection made.

2. Shipment and Post Mortem Inspection of Tuberculous Animals.—Tuberculous animals may be shipped within the boundaries of this State under the direction of the State Veterinary Surgeon or his Deputy, to any abattoir where proper post mortem inspection may be made by the State Veterinary Surgeon, his Deputy, or Federal Inspector. The inspection must conform with the meat inspection regulations of the United States Bureau of Animal Industry. The carcass if passed on official state or federal inspection, may be used for food.

Inspection to conform with what.

When meat may be used for food.

Duty of local boards of health to co-operate, etc.

Section 26. Duty of State and Local Boards of Health.—It shall be the duty of the State and several local boards of health of any county, city, town, or village, in this State to co-operate with and assist the Sanitary Board in all matters relating to the execution of its sanitary powers as to live stock under this Act, in such manner as may be by the Sanitary Board prescribed, either by general regulation or direct order.

Duty of owner or custodian of suspected animals to report same.

Section 27. Notice of Existence of Disease to be Given.—Any person including the owner or custodian,

who has reason to suspect the existence of any disease mentioned in this Act among live stock or the presence of exposed animals at any point within the State shall forthwith give notice thereof to the State Veterinary Surgeon.

Section 28. Board to Have Authority to Administer Oaths.—Whenever in the exercise of their powers or the discharge of their duties, it shall become necessary or proper for any member of the Sanitary Board, the State Veterinary Surgeon, or any of his Deputies, to investigate facts and conditions, he is hereby authorized to administer oaths, take affidavits and compel the attendance and testimony of witnesses, being given for such purposes all the powers of a Notary Public.

Power to administer oaths.

Section 29. Definition of Words and Phrases.—The phrase “dangerous, contagious, infectious, enzootic, and epizootic,” as used in this Act shall be deemed to include farcy, glanders, tuberculosis, anthrax, rinderpest, rabies, foot-and-mouth disease, vesicular stomatitis, pleuropneumonia, cholera, swine plague, variola or pox, contagious abortion, contagious ophthalmia, mal du coit or dourine, coital exanthema, scab or scabies, or other contagious skin disease, necrobacillosis, blackleg, malignant catarrh, hemorrhagic septicemia, and any other disease of live stock that may be controlled or eradicated by sanitary measures or regulations. The words “live stock” as used in this Act shall be deemed to include horses, mules, asses, and cattle, sheep, goats, swine, dogs, cats, and any other domestic or wild animals.

What certain names and words to mean or include under this Act.

Section 30. Funds.—There shall be created the Live Stock Sanitary Board Account which, in addition to the State Live Stock Sanitary Board Fund, shall be used to defray all expenses created by this Act, except the salary of the State Veterinary Surgeon, his Chief Deputy, and stenographer, which shall be paid out of the General Fund.

Meaning of words “Live Stock.”

Live Stock Sanitary Board Account created.

To be used for what purposes.

Section 31. Penalties for Violating Quarantine.—If any owner, or custodian, or any other person shall wilfully or intentionally break any quarantine and remove any quarantined animal or animals from any established quarantine to another point; or shall take any animal or animals into any established quarantine, or shall wilfully or intentionally drive or transport from one point to another any animal or animals known by him to be affected with or exposed to any contagious or infectious disease, or shall wilfully or intentionally sell milk or

Acts which shall constitute violation of this Act.

milk products from any such animal or animals, unless under conditions and regulations prescribed by the Sanitary Board, and under the written direction of the State Veterinary Surgeon, or Deputy, or fails to notify the State Veterinary Surgeon of the existence of a contagious or infectious disease among his animals, or exposure thereto, or shall wilfully violate any provisions of the Act, or any regulations or orders lawfully made in conformity therewith, or shall in any manner hinder, resist or obstruct the execution of any such regulation or order, or hinder, resist or obstruct any officer or employee of said Sanitary Board in the discharge of his duty, or in the exercise of his lawful powers, or shall negligently break any quarantine, or shall negligently suffer any quarantined animal or animals to escape from quarantine, or take or allow any animal or animals to go into any quarantine area or premises, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars, or imprisonment in the county jail not more than six months, or both fine and imprisonment, and shall be liable for all damages which may be sustained by any person or persons by reason of such act or acts which damages may be recovered by such person or persons in a civil action in any court of competent jurisdiction.

Misdemeanor.

Penalties.

Unlawful to permit diseased animals to run at large.

Duty of owner to remove certain diseased animals from possible contact with others.

Penalty.

Section 32. Diseased Animals Not to Run at Large.—It is unlawful for the owner or for any person in charge of any horse, mule, ass, sheep, goat, cattle, or other domestic animals affected with any contagious infectious disease to allow such animal to run at large on any range or within any enclosure where such animals may come in contact with any other animal not so diseased. All animals affected with contagious infectious disease must be at once removed by the owner thereof, or the person in charge of the same to some secure inside enclosure, where contact with other animals by reaching over or through the fence of the enclosure will be impossible, or must be strictly herded six miles away from any farm or from other stock running at large or being herded. Every person who knowingly neglects or refuses to remove or to so enclose or herd away from farms or other stock, such diseased animals affected with contagious infectious disease, after receiving notice of their diseased condition, is punishable as provided in Section 8531 (700) of the Penal Code, and is liable for damages to the party injured.

Section 33. Penalties for Allowing Diseased Animals to Run at Large.—It shall be unlawful for any owner, agent, or person in charge of, to permit any domestic animal or animals herein mentioned, that are known to be suffering from or exposed to any contagious or infectious disease, to run at large on the public range or public highway, and each offense shall be punishable by a fine of not less than Twenty-five nor more than Five Hundred Dollars, or imprisonment in the county jail for a period of not more than six months, or both.

Unlawful to knowingly permit certain diseased animals to run at large.

Penalty.

Section 34. What Constitutes Breaking Quarantine.—Breaking quarantine shall mean the taking of any animal or animals or allowing any animal or animals (of the kind quarantined by the State Veterinary Surgeon or Deputy) to go within or out of any building, corral, premise or range quarantined by the Sanitary Board, or the State Veterinary Surgeon or Deputy.

Breaking quarantine defined.

Section 35. Reports of State Veterinary Surgeon.—The State Veterinary Surgeon shall, on or before the tenth day of December each year, make a written report to the Sanitary Board, which report must be transmitted by them to the Governor.

Annual report of State Veterinary Surgeon.

Section 36. Repealing Clause.—Sections 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, and 1903 of the Revised Codes of 1907; Chapter 146 of the Session Laws of 1911, Chapters 68, 90, and 123 of the Session Laws of 1913; Chapters 9 and 140 of the Session Laws of 1915, and all Acts or parts of Acts in conflict with this Act are hereby repealed, save, however, the right to prosecute all civil or criminal actions that may have arisen under these provisions, which actions may be prosecuted with like force and effect as if said Acts had not been repealed.

Laws repealed.

Section 37. This Act to take effect April 15, 1917.

Approved Feb. 27, 1917.

CHAPTER 158.

“An Act to Provide for the Licensing of Architects and Regulating the Practice of Architecture as a Profession in the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Architectural Examiners: appointment of.

Qualifications.

Section 1. That within thirty days after the passage of this Act, the Governor, with the consent and advice of the Senate, shall appoint three skilled and capable Architects who shall have been residents of the State of Montana, for not less than three years prior to their appointment, not more than two of whom shall be residents of the same county, and who shall have been in continuous practice of the profession for three years, who shall constitute the Board of Architectural Examiners for the purpose of this Act.

Terms of office. Vacancies.

Appointments in vacation.

The Architects so appointed shall hold their respective offices for a term of four years and all vacancies shall be filled in like manner as the appointments are made. Appointments made when the Senate is not in session shall take effect immediately, and may be confirmed at the next ensuing session.

Organization.

Section 2. The Board of Architectural Examiners must during the first week in April of each year, elect from among their number a President, Secretary and Treasurer, and must have a seal.

Power to administer oaths.

The President and Secretary shall have power to administer oaths in examination of applications for certificates, and witnesses called before the Board for the transaction of business under the provisions of this Act.

Meetings.

The members of the Board shall meet during the first week of April of each year and at such times, and at the same and other places as the Board may determine.

Records.

Register of applications.

The Board must keep a record of all proceedings thereof, and also a register of all applicants for a certificate with the name and age of all applicants and the number of years spent in the study of Architecture, and whether or not the applicant was granted a certificate or rejected; such register is prima facie evidence of all matters therein kept.

Who shall make application for certificate to practice, and submit to examination.

Section 3. Every person hereafter wishing to practice Architecture in this State shall apply to said Board for a certificate so to do. Every person so applying shall submit to an examination in the following branches, to-wit:

Arithmetic and elementary mathematics, knowledge of building materials and construction, architectural drawing, technical education, and experience and such other branches as the Board may deem advisable. Said Board shall cause such examination to be both scientific and practical, but of sufficient severity to test the candidate's fitness to practice Architecture in this State, or high standing in profession or such qualifications as are required for admission to the American Institute of Architects may be deemed sufficient. After examination said Board shall, if the candidate has been found qualified, grant a certificate to such candidate to practice Architecture within the State of Montana, which said certificate can only be granted on the consent of not less than two members of the Board, and attested by the Secretary, and have the seal of said Board attached thereto. Provided that the President of the Board may, in the time of intervening between the sessions of the Board, grant a certificate to any person desiring to practice Architecture within the State of Montana, after satisfying himself of the qualifications of the applicant, which said certificate shall be good until the next regular meeting of the Board; Providing, however, nothing herein contained shall prevent or restrict a duly licensed architect from any State practicing his profession in Montana, upon the payment of the annual fees provided in this Act.

Examinations to embrace what subjects.

Character of examination.

Certificate to be issued when.

President of Board may grant temporary certificate when.

Architects licensed in other states.

Section 4. Every person obtaining a certificate from said Board must within thirty days from the date thereof have the same recorded in the office of the County Clerk and Recorder of the County wherein he resides. If he or she maintain offices for the practice of Architecture in other counties, he or she must have his or her certificate recorded in such counties in like manner. The County Clerk shall receive for recording such certificate, the usual fee, paid by the applicant.

Certificate must be recorded when.

Fee of County Clerk.

Section 5. Every licensed Architect shall have a seal, the impression of which must contain the name of the Architect, his or her place of business and the words "Licensed Architect, State of Montana," with which he or she shall stamp all drawings and specifications issued from his or her office for use in this State.

Architects seal.

Section 6. After six months from the passage of this Act it shall be unlawful and it shall be a misdemeanor punishable by a fine of not less than \$5.00 nor more than \$300 for each and every week during which said offense

Penalty for practicing without a license.

shall continue, for any person to practice Architecture without a license in this State, by signing plans and specifications as an Architect, or to advertise, or put out any sign or card, or other device which might indicate to the public that he or she is entitled to practice as an Architect.

Who entitled to a license without an examination, and when.

Section 7. Any person who shall, by affidavit, show to the satisfaction of the State Board of Architectural Examiners that he or she was engaged in the practice of the profession of Architecture in the State of Montana on the date of the passage of this Act shall be entitled to a license without an examination, provided such application shall be made within six months after the passage of this Act. Such license, when granted, shall set forth the fact that the person to whom the same was issued was practicing Architecture in this State at the time of the passage of this Act, and is therefore entitled to a license to practice Architecture without an examination by the Board of Examiners, and the Secretary of the Board shall, upon the payment to him of the fee of fifteen (\$15.00) dollars, issue to the person named in said affidavit, a license to practice Architecture in this State, in accordance with the provisions of this Act. In the case of a co-partnership of Architects, each member whose name appears, or their seal, must be licensed to practice Architecture. No stock company or corporation shall be licensed to practice Architecture, but the same may employ licensed Architects.

Such licenses shall set forth what.

License fee without examination.

Each member of a firm must have a license.

Corporations and stock companies shall not be licensed.

Fee to be paid on application for license.

Section 8. Applicants for examination shall pay in advance to the Secretary of said Board a fee of fifteen (\$15.00) dollars, which fee shall defray the entire expense of such candidate, before the aforesaid Board of Architectural Examiners. Any applicant failing to pass the said examination shall be entitled to a second examination within one year without fee.

Second examination within the year.

Fee money to be deposited in the Architectural Board Fund.

The money received from said applicant shall be turned over to the State Treasurer of the State of Montana, and shall be deposited by him in the Architectural Board Fund as herein provided.

Compensation and mileage of members allowed.

To be paid out of what fund.

Section 9. Each member of the Examining Board is hereby allowed the sum of five (\$5.00) dollars per day and mileage at the rate of ten cents per mile, while in the discharge of their actual duties, to be paid out of any funds in the hands of the State Treasurer in the name of the Architectural Board Fund. And there is

hereby established a fund known as the "Architectural Board Fund."

And all fees and moneys received for licenses from practicing Architects shall be deposited with the State Treasurer to the credit of the Architectural Board Fund, to meet the expenses incurred in carrying out the provisions of this Act, provided the expenses of said Board of Examiners shall not exceed the fees collected.

All fees and money to be deposited where.

Used for what purposes.

The State Treasurer is hereby directed and required to set such sums paid from licenses and fees apart for the credit of such fund subject to the orders and disbursement hereinafter provided for.

Duty of State Treasurer.

The money in such fund can only be paid out on a warrant signed by the Secretary of said Board, countersigned by the President, and the members of the said Board shall report annually to the Governor on the first Monday of January of each year, which report must show all the transactions of the Board, giving the number and names of all applicants, and the number and names of those rejected, and those to whom certificates have been issued, the expenses, the fees and mileage paid, the amount of money received, and the amount of money remaining in said fund.

Money to be paid out only upon what warrants.

Annual report of Board.

Section 10. Every licensed Architect in the State who desires to continue the practice of his profession shall annually, during the time he or she shall continue in such practice pay to the Treasurer of the State of Montana, during the month of July, a fee of ten (\$10.00) dollars.

Annual fee required.

Section 11. A Licensed Architect removing from the State may receive a demit from the Board of Architectural Examiners, and if he desires to re-establish himself in the State, the Board will issue a certificate to him without examination provided however, he shall pay the regular license fee.

Architect removing from state to receive a demit.

On returning to receive what.

Section 12. The Board of Architectural Examiners may revoke any license for gross incompetency or recklessness in the construction of buildings or fraud, but the holder of such license shall receive twenty days' notice of the day of hearing and determining of charge against him.

Licenses may be revoked on what account.

Notice of hearing.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 159.

“An Act to Alter Boundaries Between Rosebud County on One Side and Yellowstone on the Other Side and to Fix and Establish as far as Possible said Boundary Lines on Section Lines; and to Provide That Each of Said Counties Shall Transcribe and Certify the Records Thereof.”

Be it enacted by the Legislative Assembly of the State of Montana:

Boundaries of
Rosebud county
on the side of
Yellowstone
county.

Section 1. That the boundaries between Rosebud County on the one side and Yellowstone County on the other side is hereby altered, fixed, and established as follows:

Beginning at the confluence of the Yellowstone and Big Horn Rivers in Township five (5) North, Range Thirty-four (34) East, running thence along the West line of Section Twenty-two (22) Township Five (5) North, Range Thirty-four (34) East, to the Northwest Corner of said Section Twenty-two (22); thence West one mile to the Northwest Corner of Section Twenty-one (21); thence North one mile to the Northeast Corner of Section Seventeen (17); thence West one mile to the Northwest Corner of Section Seventeen (17); thence North two miles to the Northeast Corner of Section Six (6), Township Five (5) North, Range Thirty-four (34) East; thence West one mile to the Southeast Corner of Section Thirty-six (36), Township Six (6) North, Range Thirty-three (33) East; thence North along the Range line two miles to the Northeast Corner of Section Twenty-five (25); thence West one mile to the Northwest Corner of Section Twenty-five (25); thence North one mile to the Northeast Corner of Section Twenty-three (23); thence West one mile to the Northwest Corner of Section Twenty-three (23); thence North two miles to the Northeast Corner of Section Ten (10); thence West one mile to the Northwest Corner of Section Ten (10); thence North one mile to the Northeast Corner of Section Four (4), Township Six (6) North, Range Thirty-three (33) East; thence West one mile to the Southwest Corner of Section Thirty-three (33), Township Seven (7) North, Range Thirty-three (33) East; thence North three miles to the Northeast Corner of Section Twenty (20); thence West one mile to the Northwest Corner of Section Twenty (20); thence North one mile to the Northeast Corner of Section Eighteen (18); thence West one mile to the Southwest Corner of Section Seven (7);

thence North along the Range line two miles to the Northwest Corner of Section Six (6), Township Seven (7) North, Range Thirty-three (33) East; thence West one mile to the Southwest Corner of Section Thirty-six (36), Township Eight (8) North, Range Thirty-two (32) East; thence North one mile to the Northwest Corner of Section Thirty-six (36); thence West one mile to the Southwest Corner of Section Twenty-six (26); thence North two miles to the Northeast Corner of Section Twenty-two (22); thence West one mile to the Northwest Corner of Section Twenty-two (22); thence North two miles to the Northeast Corner of Section Nine (9); thence West one mile to the Northwest Corner of Section Nine (9); thence North along the West side of Section Four (4) to the Northwest Corner of Section Four (4), Township Eight (8) North, Range Thirty-two (32) East; thence West along the Township line to the Southwest Corner of Section Thirty-one (31) Township Nine (9) North, Range Thirty-two (32) East; thence North along the Range line to an intersection with the existing boundary line between Yellowstone and Rosebud Counties.

Section 2. That the expense of transcribing and certifying the records covering the lands that shall be transferred by this Act from one county to another county shall be borne in each instance, by the county that is hereby deprived of land by this Act.

County which shall pay expenses of transcribing and certifying records of lands.

Section 3. That all Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1917.

CHAPTER 160.

“An Act to Regulate and Govern the Sanitary Conditions Under Which Wall Paper, or Substitute Wall Covering Shall Be Placed on the Walls of Rooms in Tenement Houses, or Other Houses Owned or Maintained for Rent, and to Make a Violation of Any of the Provisions of this Act a Misdemeanor.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whenever the paper or substitute wall covering on the ceiling or walls of a room in any

Cleansing of walls of rented apartments before new paper is put on.

dwelling, tenement or apartment house, or house owned or maintained for rental purposes, has become loosened so as to be in danger of collecting and retaining dust, germs, vermin or filth, the same shall be removed, the walls and ceilings thoroughly cleaned before new wall paper or substitute wall covering shall be put thereon.

In case of contagious of infectious diseases in rooms or apartment.

Section 2. That no wall paper or substitute wall covering shall be placed upon the walls or ceiling of any room where there has been a case of contagious or infectious disease until all wall paper and substitute wall covering thereon has been entirely removed, and the walls and ceiling thoroughly cleansed, oil painted walls and ceilings excepted.

Power of County Board of Health in enforcing Act.

Section 3. The County Board of Health in each County of this State shall have power to examine into the enforcement of this Act in any city, town or elsewhere within their respective county. Provided that in cities or towns where a Board of Health is established, then such City Board of Health shall have such power to examine into the enforcement of this Act within the boundaries of such city or town.

City Boards of Health.

Violation of Act a misdemeanor.

Section 4. That any person or persons who violates any of the provisions of this Act, or who shall cause any person or persons to violate any section of this Act shall be deemed guilty of a misdemeanor.

Section 5. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect on and after June 1st, 1917.

Approved February 28, 1917.

CHAPTER 161.

"An Act to Regulate the Use of the Term 'Co-operative,' 'Co-operation,' 'Co-operator' or 'Farmer' When Used as Part of a Corporated Business Name or Title."

Be it enacted by the Legislative Assembly of the State of Montana:

Associations, persons, firms, corporations, etc. forbidden to use the term "Co-operative," "Co-operation," or "Co-operative" except when.

Section 1. No association, person, firm, corporation or co-partnership hereafter organized or doing business in this State shall be entitled to use the term "co-operative," "co-operation," "co-operator" as part of his, their or its corporate firm, association or other business name or title unless incorporated under and in compliance with the provisions of Division 1, Part 1, Title 5

of the Revised Codes of Montana; nor shall any corporation incorporated under the co-operative laws use the term "farmer" or "farmers" when less than one-half of its stockholders or members are farmers by occupation.

Shall not use the term "Farmer" or "Farmers" when.

Section 2. The Secretary of State shall not issue any certificate of incorporation to any corporation or association except in compliance with this Act.

Secretary of State not to issue certificate of incorporation to such.

Section 3. Any person, firm, corporation or association violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars.

A violation of Act a misdemeanor.

Penalty.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1st, 1917.

CHAPTER 162.

"An Act to Amend Section Two of Chapter 25, of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Entitled, 'An Act to Secure for Threshermen a Lien Upon Grain and Other Crops Threshed by Them for Their Compensation, and to Provide for the Filing and Foreclosing of said Liens.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 25 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Section amended.

"Section 2. Every person intending to avail himself of the benefits of this Act must file with the County Clerk of the county in which said grain or other crops were grown, and if grown in more than one county, then with the County Clerk of each county in which they were grown, within thirty (30) days after the last services were rendered or labor performed in the threshing of said grain or other crops, a just and true account of the amount due him or them for such services or labor, after allowing all just credits and offsets, and containing a correct description of the grain or other crop to

Thresherman's lien.

Account to be filed to secure lien, where and when.

Account to state, what.

Verification of
account.

Mistake or error
not to invalidate
lien.

When notice to
be served upon
elevators or
others receiving
the grain.

be charged with such lien, the price agreed upon for such threshing, the name of the person, firm or corporation for whom such labor and services were performed, and a description of the land as nearly as possible, upon which such grain or other crops were raised and a description of the legal subdivision of land upon which said grain is stored; and if said grain is stored in an elevator, the location of said elevator; which statement or account shall be verified by affidavit of the person claiming such lien or his duly authorized agent or attorney having knowledge of the facts; and any error or mistake in the account of description of the grain or other crops or of the property upon which it was raised shall not invalidate said lien. If the grain or other crops so threshed are being hauled from the machine direct to the elevator or to any other purchaser, then the thresherman desiring to claim such lien shall also serve written notice upon the elevator man or other private purchaser that he will claim or hold a lien upon said grain or other crops for his services or labor performed in threshing the same."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 163.

"An Act to Amend Section XXIX of Chapter 147 of the Laws, Resolutions and Memorials of the State of Montana passed at the Eleventh Regular Legislative Session, Concerning the Platting and Disposition of State Lands Situated in or Adjacent to Cities and Towns."

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section XXIX of Chapter 147 of the Laws passed by the Eleventh Regular Legislative Assembly of the State of Montana, be and the same is amended so as to read as follows:

Lands adjacent
to cities or towns
having a popula-
tion of 2,000 or
more may be
surveyed and
platted into town
lots, etc., when.

"Section XXIX. Any state lands or any part thereof situated in or adjacent to an incorporated city or town having a population of two thousand or more inhabitants, may be, at such time as the Board may deem to be for the best interest of the state, surveyed and laid off in lots, blocks, streets, alleys, avenues, highways,

public squares, market places and parks, in conformity with the laws of the state for the survey and platting of townsites and additions thereto, conforming as nearly as may be with the ordinances of such city or town regarding the platting of additions thereto; and the State Board of Land Commissioners must cause correct maps and plats of such lands to be made and recorded when so surveyed and platted, and not otherwise. No fees shall be charged by the County Recorder, or by any city officer for filing or recording such maps or plats, when recorded on behalf of the State.

Plat to conform to what.

Maps and plats thereof to be made.

No fees to be charged by County Recorder.

The Board may, in its discretion, sell the same, or any part thereof, at public auction to the highest bidder. Each block or lot, as numbered and platted upon the maps or plats must be sold separately, but not until they have been appraised and notice of the sale given in the same manner, and upon the same terms and conditions as is herein provided for the sale of other state lands. It shall be optional with the Board as to whether or not state lands, or any part thereof, situated in or adjacent to cities and towns having less than two thousand inhabitants shall be surveyed and platted as hereinabove provided, in part or in whole; if such lands, or any part of them are not surveyed and platted into blocks, lots, streets and alleys, they and the parts not so platted, as well as any other lands described under the fourth subdivision of the classification of state lands in Section 1 of Article XVII of the Constitution of Montana, may be divided into lots or tracts of five acres each or less, and platted and sold in the manner prescribed for the sale of other state lands, provided that it be sold in alternate lots and tracts, and offered for sale separately.

May be sold when and how.

Optional with the Land Board to plat lands adjacent to smaller places.

Lands which may be divided into 5 acre lots and sold.

Manner of sale.

If, at any such sale, any purchaser or bidder shall purchase or bid in more than one of such lots or tracts, the board may, at the option of such purchaser, include in the certificate of purchase, or deed, all of the lots or tracts purchased at said sale by such purchaser.

A number of such tracts may be included in one certificate or deed issued to one person.

Section 2. That all Acts and parts of Acts in conflict herewith be, and the same are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 164.

“An Act to Amend Section 23a of Chapter 140 of the Laws Enacted by the Twelfth Legislative Assembly of the State of Montana, and to Add a New Section to Said Chapter 140, to be Numbered ‘Section 23b’ Concerning the Valuation of Benefit Certificates of Fraternal Benefit Societies in Force Upon a Basis Designated ‘Accumulation Basis’; Prescribing the Method of Arriving at Such Valuation, and the Financial Condition Which Such Societies Shall Maintain, and Conferring Certain Powers Upon and Prescribing Certain Duties to be Performed by the State Commissioner of Insurance.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 23a of Chapter 140 of the Laws enacted by the Twelfth Legislative Assembly of the State of Montana, be, and the same is amended so as to read as follows:

Fraternal Benefit societies.

Financial condition which societies shall maintain hereafter, under conditions stated.

Section 23a. If the valuation of the certificates, as herein before provided, on December 31, 1917, shall show that the present value of future net contributions, together with the admitted assets, is less than the present value of the promised benefits and accrued liabilities, such society shall thereafter maintain said financial condition at each succeeding triennial valuation in respect of the degree of deficiency as shown in the valuation as of December 31, 1917. If at any succeeding triennial valuation such society does not show at least the same condition, the Commissioner of Insurance shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has failed to maintain the condition required herein, the Commissioner of Insurance may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provision of Section 24 of this Act, or in the case of a foreign society, its license may be cancelled in the manner provided in this Act. Any such society, shown by any triennial valuation, subsequent to December 31, 1917, not to have maintained the condition herein required, shall, within two years thereafter, make such improvements as to show a percentage of deficiency not greater than as of December 31, 1917, or thereafter, as to all new members admitted, be subject, so far as stated rates of

contributions are concerned, to the provisions of Section 12 of this Act, applicable in the organization of new societies; provided that the net mortuary or beneficiary contributions and funds of such new members shall be kept separate and apart from the other funds of the society. If such required improvements is now shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds.

Section 2. That there be added to said Chapter 140 a new Section to be numbered Section 23b in words and figures as follows:

New section added.

Section 23b. In lieu of the requirements of Sections 23 and 23a, any society accepting in its laws the provisions of this section may value its certificates on a basis, herein designated "accumulation basis," by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned and by charging him with his share of the losses for each year, herein designated "cost of insurance" and carrying the balance if any, to his credit. The charge for the cost of insurance may be according to the actual experience of the society applied to a table of mortality recognized by the law of this state, and shall take into consideration the amount at risk during each year, which shall be the amount payable at death less the credit to the member. Except as specifically provided in its articles or laws or contracts no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit. If, after the first valuation, any member's share of losses for any year exceeds his credit including contribution for the year, the contribution shall be increased to cover his share of the losses, and if the credit at the time any benefit becomes payable during the life-time of the member, including any available funds does not equal such benefit, the contributions to be made by him or on his behalf shall be increased by the difference. Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose. Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on such transfer shall be entitled to make such application of his credit as provided in the laws of

Certificates may be valued upon "accumulative basis," when and how.

The charge for cost of insurance may be upon what basis.

When member's share of losses exceed his credit.

Members may transfer to other plans; procedure.

Certificates issued rerated, etc. "Tabular Basis."

the society. Certificates issued, rerated, or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon assumptions for mortality and interest, recognized by the law of this state, shall be valued on such basis, herein designated the "Tabular Basis"; provided that if on the first valuation under this section a deficiency in reserve shall be shown for any such certificate, the same shall be valued on the accumulation basis. Whenever in any society having members upon the tabular basis and upon the accumulation basis, the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year, the deficiency shall be met for the year from the available funds after setting aside all credits in the reserve; or from increased contributions, or by an increase in the number of assessments applied to the society as a whole, or to classes of members as may be specified in its laws. Savings from a lower amount of death losses may be returned in like manner as may be specified in its laws. If the laws of the society so provide, the assets representing the reserves of any separate class of members may be carried separately for such class as if an independent society, and the required reserve accumulation of such class, so set apart, shall not thereafter be mingled with the assets of other classes of a society. A table showing the rates being paid by and the credits to individual members at each age and year of entry, and showing opposite each credit the tabular rates and the tabular reserve required or, at the option of the society, the required reserve on a level rate equivalent to that being paid, according to assumptions for mortality and interest recognized by the laws of this state, and adopted by the society and, in either case, including any benefit payable at a specified age or on account of old age disability shall be filed by the society with each annual report and also be furnished to each member before July 1st of each year. In lieu of the aforesaid statement there may be furnished to each member, within the same time, a statement giving the data aforesaid for such member. No table or statement need be made or furnished when the reserves are maintained on the tabular basis. For this purpose, individual bookkeeping accounts for each member shall not be required, and all calculations may be made by actuarial methods. Nothing herein contained shall prevent the maintenance of

such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis, as the society may provide by or pursuant to its laws; not to be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in the contract and its laws; nor as making any such reserve, or credits a liability in determining the legal solvency of the society.

Section 3. All Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 165.

“An Act to Regulate the Manner of Sales of Real Estate Under a Power of Sale in Mortgages, Providing for Redemption Therefrom and Providing a Method for the Ascertainment of Attorney Fees When Property is Sold Under Mortgage by Virtue of a Power of Sale Therein Contained; and to Repeal all Acts and Parts of Acts in Conflict Herewith.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That hereafter real estate sold under a power of sale given and contained in a mortgage of real estate shall be advertised for sale at least thirty (30) days before the date fixed for such sale, in a newspaper in the county in which such real estate is situated, and in case there is no newspaper printed and published in said county then by posting notices in at least five conspicuous places in said county, one of which notices must be posted on the land so advertised for sale. Two other of said notices must be posted in conspicuous places in the township in which said land is situated, one in such conspicuous place in said county as will be most likely to give notice to all persons interested in said sale, and one of said notices must be posted in a conspicuous place at the front door of the county Court House of the county in which said land is located, and in addition to the said publication or posting, as hereinbefore provided, notices of such sale must be served personally at least thirty (30) days before the date fixed for such sale upon the occupant of the property so advertised for sale, and

Sale of property under a power of sale.

Notice of sale by advertisement.

By posting.

When two notices shall be posted.

One notice at front door of court house.

Shall be personally served upon whom.

upon the mortgagor if within the State of Montana, and upon every person or persons having or claiming an interest of record in the said real estate so advertised for sale who may be found within the said State of Montana.

Right of redemption given in cases of sale under power given in any mortgage or deed of trust.

Section 2. All of the rights, powers and privileges concerning the redemption from sales of real estate applicable to the sales of real estate under foreclosure proceedings or sales under execution shall be granted and allowed to sales of real estate under and by virtue of the power of sale contained in any mortgage or deed of trust in this state.

Attorney's fees to be fixed by the District Court.

Section 3. If the mortgagee shall demand attorney fees in case of the sale of real estate under and by virtue of the power of sale contained in any mortgage or deed of trust in this state, he shall petition the District Court of the county in which said real estate, or any part thereof, may be situated to fix the amount of such attorney fee, and a copy of such petition shall be served upon all parties having or claiming an interest of record in the property to be sold, or such of them as may be found within the state, which said copy of said petition must be served at least ten (10) days before the day fixed for hearing, and notice of the time and place of such hearing shall be served at the same time as the copy of said petition is served; such petition shall be acted upon by the said District Court before the notice of sale by publication or posting, as hereinbefore provided for, shall be given.

Copy of petition to fix attorney's fees to be served upon whom, and when.

Notice of hearing.

When petition to be acted upon by court.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3, 1917.

CHAPTER 166.

"An Act Providing that Every Liquor Dealer's License Shall Expire on December 31, 1918, and Making It the Duty of Every County Treasurer, County Clerk, City or Town Mayor, City or Town Clerk, and Every City and Town Treasurer to Issue Such License to Expire on December 31, 1918, to Collect Proportionally the License Tax and to Make Reports and Keep Books of Accounts Accordingly."

No liquor dealer's license shall be issued to extend beyond December 31, 1918.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every liquor dealer's license must be designated to expire on the date prescribed by law, and no

license shall be issued to extend beyond the 31st day of December, 1918, and it is hereby made the duty of every County Treasurer, County Clerk, City or Town Mayor, City or Town Clerk and every City and Town Treasurer to issue such license to expire on the date prescribed by law, and no license shall be issued to extend beyond the 31st day of December, 1918, and collect proportionally the license tax and make his reports and keep his books of accounts accordingly.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 167.

“An Act to Amend Section 2109 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, Relating to the Submission to Electors of Question of Bond Issue for County High Schools.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2109 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be, and the same is hereby amended so as to read as follows:

“2109. Submission to Electors of Question of Bond Issue. The secretary of the board of county high school trustees, whenever a majority of the board shall so decide, shall certify to the board of county commissioners that they have decided to submit to the electors of the county, the question whether the county bonds shall issue for the purpose of the erection or purchase of a building or buildings for high school purposes and the equipment thereof, or for the erection and equipment of a dormitory or dormitories, or gymnasium, and for a suitable site or sites therefor, and shall include in such certificate the amount of such bonds, which amount shall not exceed the sum of Two Hundred Fifty Thousand (\$250,000) Dollars, in any one county of the first and second class, and One Hundred Fifty Thousand (\$150,000) Dollars, in counties of the third class, and in all other counties shall not exceed the sum of One Hundred Thousand (\$100,000) Dollars in any one county. Such bonds may run for a term of twenty years, or less, but

Section of Codes amended.

Bond issue for county high schools.

What Secretary of Board shall certify to the Board of County Commissioners.

Certificate shall include proposed amount of bonds

Limit of amount of bonds which may be issued.

Term for which bonds may run.

Constitutional
limit not to be
exceeded.

County Commis-
sioners shall
submit question
of bond issue,
when and how.

Levy of taxes to
pay principal and
interest of bonds
to be made when.

Annual install-
ments.

Money to be kept
in a separate
fund.

Funds may be
invested when
and how.

District High
Schools may be
discontinued
upon the estab-
lishment of a
county high
school.

Must be discon-
tinued when.

Bond issue to
constitute an in-
debtedness upon
what property.

no longer; Provided, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the State Constitution.

That as soon as practicable after receiving such certificate the board of county commissioners shall proceed to submit the question of issuing said bonds to the qualified electors of the county in the manner provided by law for the issuance of other county bonds. If such bonds are issued the county commissioners, at the time of making the levy of taxes for county purposes each year, must levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year and such proportion of the principal as is to become due during the year, and in any event must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon and during the balance of the term, high enough to pay said annual interest and to pay annually a portion of the principal of said bond, equal to the sum produced by taking the whole amount of said bonds outstanding, and dividing it by the number of years said bonds have to run, and all moneys so levied, when collected, must be paid into the county treasury to the credit of the county high school, kept in a separate fund and to be used for the payment of principal and interest on said bonds, and for no other purpose; Provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds. Said tax shall be levied and collected in the same manner as other county taxes.

In any county wherein there are now maintained one or more district high schools, in which a county high school has been created, or may be hereafter created, the trustees of any school district maintaining a district high school, may, by a resolution duly passed at a regular or special meeting of such board of trustees, discontinue said high school to take effect at the establishment of the county high school; and in case such county high school is located, as provided in this Chapter, within any school district maintaining a district high school, it shall be the duty of the board of trustees of such school district to discontinue the district high school as herein provided. And bonds issued for a county high school under the provisions of this Section shall constitute an

indebtedness only against so much of the said county as is not included in any district or districts thereafter maintaining high schools, and the question of the issuance of such bonds shall be submitted to the electors only who reside outside of such district or districts maintaining high schools; provided, that in case the county high school is located in a district maintaining a district high school, the electors residing in such district shall vote upon the question of the issuance of said bonds. The limitations on the indebtedness to be created by the issuance of bonds in such cases, and the method of levy, assessment and collection of taxes for the payment of bonds so issued, herein above set forth, shall apply only to so much of the said county as shall not be included in the school district or school districts which shall continue to maintain district high schools as herein provided.

Question of issue to be submitted only to what elector.

The limitation of indebtedness, issuance of bonds, levy, assessment and collection of taxes to apply only to what territory.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 168.

“An Act to Amend Sections 2139 and 2140 of the Revised Codes of the State of Montana Relating to Dams and Reservoirs.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2139 of the Revised Codes of the State of Montana be amended so as to read as follows:

Section 2139, Codes of 1907, amended.

Section 2139. A—No person, association or corporation shall construct, or cause to be constructed, a dam or dyke for the purpose of accumulating, storing, appropriating or diverting any of the waters of this State, except in a thorough, secure and substantial manner.

Dams and dykes shall be constructed in a thorough and secure manner.

B—Upon complaint, on oath, being made to the State Engineer by three or more persons residing or having property in such location that their homes or property would be in danger of destruction or damage in event of flood occurring on account of the breaking of any dam or dyke of any reservoir within the State, and that

Duty of State Engineer to make examination upon sworn complaint of three or more persons.

they have reason to believe said reservoir is in an unsafe condition, or that it is being filled with water to such an extent as to render it unsafe, it shall be the duty of the State Engineer to forthwith examine or cause to be examined the said reservoir. If upon such examination, the State Engineer shall find that said reservoir is unsafe, or is being filled with water to such an extent as to render it unsafe, it shall be his duty to notify the County Attorney of the County in which the reservoir is located, setting forth his findings and the County Attorney shall immediately take the necessary steps to abate the danger and make the structure safe.

Duty of engineer when structure found to be unsafe.

Duty of County Attorney to take action to abate unsafe dam or dyke.

Appeal to District Court from State Engineer's findings.

Duty of district court.

Engineer's judgment to control until when.

Section 2140, of Codes of 1907 amended.

Complaint in district court that an unsafe reservoir is being filled.

Duty of court to appoint persons to examine same.

C—In the event of either party being dissatisfied with the findings of the State Engineer, they may take an appeal to the District Court of the District wherein the reservoir is located, and said Court shall hear and determine the matter at the earliest practical time; subject to the right of either party to take an appeal as in other civil cases; Provided, That the judgment of the State Engineer shall control until the final determination of the case.

Section 2. That Section 2140 of the Revised Codes of the State of Montana be amended so as to read as follows:

Section 2140. Upon complaint on oath, made by any person or persons and filed in the District Court, that a person, association or corporation is filing or proposing to fill with water a reservoir, or has filled or gathered water in a reservoir and that life and property are thereby endangered, the Judge must appoint three disinterested persons, at least one of whom must be a resident of the county in which the dam or reservoir is situated, and one of whom must be a competent and experienced Civil or Hydraulic Engineer, each of whom must take an oath that he will examine the dam and reservoir to determine as to its security, to the best of his ability.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 169.

“An Act to Create a State Board of Hail Insurance; Defining the Duties and Powers of Said Board, and of Public Officers in Connection Therewith; Providing for the Levy and Collection of Taxes on All Lands Subject to Injury or Destruction by Hail of All Tax-payers Who May Elect to Become Subject to the Provisions of This Act; Providing for a Hail Insurance Fund; Providing for the Appointment of Appraisers, the Appraisal and Adjustment of Losses, and the Settlement Therefor; and Repealing All Acts Which May in Any Way Conflict With This Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section No. 1. There is hereby created a State Board of Hail Insurance of five members consisting of the State Auditor and ex-officio Commissioner of Insurance, the Commissioner of Agriculture and Publicity who will be Secretary of the said Board, and three other members to be appointed by the Governor from names submitted therefor by the duly organized farmers' societies having a general membership throughout the State. The Governor shall designate one of such appointive members to serve for three years and to act as Chairman of the Board, one to serve for the term of two years and one to serve for the term of one year. After the first appointments each appointive member of the Board shall be appointed for three years subject to removal by the Governor for cause. The said Board shall hold meetings when necessary and essential for the proper conduct of its business, at the State Capitol in the office of the Secretary and is hereby authorized, directed and empowered to make such rules and regulations as it may from time to time find practicable, necessary and beneficial for the conduct of the department of Hail Insurance subject to the provisions of this Act; it shall have full charge of said department as herein provided for; it shall prepare blank forms for all purposes necessary, proper and incidental to the effective operation and enforcement of this Act, and furnish such forms to all public officers respectively charged with the performance of any official duty in connection therewith. It shall prepare a special form outlining the purposes, scope and benefits of this Act in furnishing protection against loss by hail at the actual cost of the risk to all tax payers who may elect to become subject to the provisions of this Act, such form

State Board of Hail Insurance created, consisting of whom.

Names of three members to be submitted to the Governor by whom.

Chairman and terms of office of members.

Meetings to be held when and where.

Rules and regulations.

Blank forms to be prepared.

To be submitted to whom.

Duty of farmers desiring to become subject to provisions of this Act.

Tax authorized to be levied upon what lands.

Amount of taxes to be determined by whom.

Recommendations to State Board of Equalization.

Limitations on amount of taxes levied per acre.

Duty of State Board of Equalization.

Tax to be chargeable to whom, and how collected.

Tax to be a lien on the land.

When lien on personal property.

Duty of County Treasurer to collect tax.

to be submitted by the County Assessor of each county at the time in which the regular assessments of property are by such Assessors made, to each farmer in each county in the State engaged in the growing of crops subject to injury or destruction by hail, on which forms each such farmer taxpayer shall signify whether he desires to become subject to the provisions of this act or not. Every such farmer taxpayer who signifies his desire to become subject to the provisions of this Act shall file in the office of the County Assessor the blanks above referred to, properly filled out, not later than June 1st and shall be chargeable with the tax on lands growing crops subject to injury or destruction by hail, hereinafter provided for, and shall share in the protection and benefits under the hail insurance provisions of this Act.

Section No. 2. A tax is hereby authorized and directed to be levied on all lands in this State growing crops subject to injury or destruction by hail the owners of which have elected to become subject to the provisions of this Act, the amount of which tax per acre on such lands shall be determined annually by the State Board of Hail Insurance, which Board shall recommend the levy to be made on each kind of land respectively that is subject to this Act, to the State Board of Equalization. Such tax shall not exceed the sum of sixty cents per acre on lands planted to grain crops, nor the sum of twenty-five (25) cents per acre on lands planted to hay crops. The State Board of Equalization is hereby empowered and it is made its duty to prescribe such levies annually to be made against lands growing crops subject to injury or destruction by hail which are subject to this Act, in accordance with the recommendation of the State Board of Hail Insurance. Such tax levies respectively shall be chargeable to each taxpayer who shall elect to become subject to this Act, and shall be extended on the taxroll and collected by the officers charged with such duties in the manner and form as are other property taxes, and if not paid shall be a lien on the lands against which same are levied as are other property taxes, and in the case of homesteaders who may not have made final proof on their lands, such tax shall be a lien on the personal property of such homesteaders.

Section No. 3. The County Treasurer in each County in the State shall collect all levies made under this Act in the same manner as other property taxes are collected, and shall keep all moneys collected by him for hail in-

insurance in a separate fund to be known as the Hail Insurance Fund, and remit same to the State Treasurer, not later than December 31st of the year in which said taxes are collected.

Money to be kept in Hail Insurance fund and remitted to State Treasurer.

Section No. 4. The State Treasurer shall receive all moneys paid to him under this Act and shall place same to the credit of a fund to be known as the State Hail Insurance Fund, and shall pay out of such fund on warrants drawn by the State Auditor by order of the State Board of Hail Insurance. If such warrants be presented and there be no money in the Fund to pay same, such warrants shall be registered and thereafter bear interest at the rate of 4 per cent per annum until called for payment by the State Treasurer. All interest and earnings obtained by the State Treasurer from such moneys shall be credited to the State Hail Insurance Fund.

Duty of State Treasurer.

Warrants shall be registered when.

Interest on warrants.

Section No. 5. It shall be the duty of each County Assessor in the State at the time in which the annual assessment of property is made to explain to each tax payer engaged in the growing of crops subject to injury or destruction by hail, the provisions of this Act and the protection afforded thereby, and to request each such taxpayer to certify on the forms provided for such purpose if such taxpayer desires to become subject to this Act and liable for the tax levies provided hereby and thereby eligible to the benefits and protection of this Act; and each such taxpayer who so elects to become subject to this Act shall be liable for the taxes levied for Hail Insurance and shall participate in the benefits and protection afforded by this Act. Provided that the owners of lands worked by others under lease or contract, shall elect if such lands shall be subject to the tax levies herein provided for, and the crops grown thereon protected for hail insurance, or the lessee of such land may tender payment of the tax levied for Hail Insurance to protect his crops, in cash, to the officer authorized to receive same, whereupon such crops shall become eligible to the benefits and protection afforded by this Act for hail insurance.

County Assessors to explain Act to whom.

To request what of farmers.

Who liable to pay the tax and receive benefits of Act.

What lands are leased.

Lessee may pay tax and come under Act.

Section No. 6. That the crops grown on the lands of all taxpayers who shall elect to become subject to this Act, shall be insured under the provisions of this Act for the acreage and the kind of crop for which taxes for hail insurance will have been levied, which insurance shall be provided for, determined, and adjusted and paid for as provided by this Act.

What crops shall be insured under Act.

Losses to be reported when and by whom.

Sworn statement of losses.

Board of County Commissioners to appoint two appraisers.

Duty of appraisers.

Not to serve when personally interested.

Temporary appraisers.

Power of Board of Hail Insurance in verifying report of appraisers and adjusting losses.

Payment of losses.

Proceedings to determine amount of payment.

Section No. 7. That all losses by hail to crops insured under this Act shall be reported immediately by the owner of such crops, his agent or attorney to the State Board of Hail Insurance, who shall require the claimant to make a sworn statement of the losses sustained, the causes thereof and such other information as the State Board of Hail Insurance may require, on forms to be provided for such purpose.

Section No. 8. The Board of County Commissioners of each County in which a tax for hail insurance will have been levied shall appoint two appraisers in each County from names submitted by regularly organized farmers' societies. If any such farmers' societies do not exist in any county the Board of County Commissioners shall appoint two suitable persons engaged in farming as such appraisers. The two appraisers so appointed together with a third appraiser to be selected and appointed by the State Board of Hail Insurance shall appraise all losses by hail in such County, and shall promptly report their findings to the State Board of Hail Insurance on forms to be supplied for such purpose. Provided, that no appraiser shall serve in determining a loss in which he may have a personal interest, and in such event the Board of County Commissioners shall appoint a suitable person as temporary appraiser to serve in adjusting losses where any regular appraiser may be disqualified.

Section No. 9. The State Board of Hail Insurance shall examine all reports of appraisers and verify same, and adjust all losses, and for such purposes may order hearings, subpoena witnesses, and conduct examinations and do all things necessary to secure a fair and impartial appraisement of losses by hail.

Section No. 10. Where a loss by hail to crops insured under this Act, has been sustained, and the amount thereof determined, the State Board of Hail Insurance shall certify to same, and shall arrange for the payment of losses as follows: Said State Board shall ascertain as soon as practicable each year, the acreage of land cropped to grains and hay subject to this Act on which tax levies for hail insurance have been made, thereby ascertaining the total amount of such tax levies, and after deducting therefrom ten per cent thereof for possible delinquencies, and the estimated actual cost of the administration of this Act and the appraisal of losses, shall apportion pro-rata, the balance of the amount levied

for hail insurance amongst all taxpayers subject to this Act, who have sustained losses by hail share and share alike based on the amount of each of such losses as adjusted and determined as aforesaid, and shall order the State Auditor to issue warrants on the State Hail Insurance Fund in settlement for such losses. Provided, however, that in no case shall the payment for such losses exceed \$12.00 per acre for grain crops, and \$5.00 per acre for hay crops.

Limits to amount per acre.

Section No. 11. Any taxpayer or association of taxpayers engaged in the growing of crops, other than specified herein, or other agricultural or horticultural products subject to injury or destruction by hail, by their individual or joint election filed with and approved by the State Board of Hail Insurance, may accept the provisions of this Act, and elect to become subject thereto, and in such event such risks may be classified by the said Board and suitable levies imposed as may be agreed upon by the said Board and such taxpayers, whereupon such taxpayers shall be entitled to the benefits and protection afforded by the insurance provisions of this Act.

Persons growing other crops may elect to become subject to Act, when and how.

Risks to be classified by board and levies imposed.

Section No. 12. It shall be the duty of all public officers to perform the duties relative to Hail Insurance under this Act, without other compensation than that allowed by law. The Chairman of the State Board of Hail Insurance shall receive a salary of Two Hundred Dollars (\$200.00) per month while actually engaged in service and actual traveling expenses and all appointive officers under this Act shall be paid out of the State Hail Insurance Fund their actual traveling expenses and Five (\$5.00) Dollars per day for each day while actually engaged in service under this Act.

Public officers to perform duties imposed by Act without additional compensation.

Salary and expenses of chairman.

Compensation of appointive officers and their traveling expenses.

Section 13. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section No. 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1917.

CHAPTER 170.

“An Act to Establish a State Highway Commission, Defining Its Powers and Duties, and Providing for a State Highway Commission Fund, and Appropriating Money Therefor; Providing for Obtaining the Benefits of Federal Aid Under the Act of Congress Approved July 11, 1916, and Repealing Chapter 78 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of
intention of Act.

Section 1. OBJECT.—The object of this Act is to secure a uniform system for the construction and improvement of main highways throughout the State of Montana, and to obtain the benefits of Federal Aid under the Act of Congress approved July 11th, 1916.

State is divided
into twelve high-
way districts.

Districts de-
scribed.

Section 2. HIGHWAY DISTRICTS.—For the purposes of this Act, the State of Montana is hereby divided into twelve highway districts. The first district shall comprise the counties of Lincoln, Flathead, Sanders. The second district shall comprise the counties of Mineral, Missoula, Ravalli. The third district shall comprise the counties of Beaverhead, Madison, Gallatin. The fourth district shall comprise the counties of Silver Bow, Deer Lodge and Granite. The fifth district shall comprise the counties of Lewis and Clark, Broadwater, Powell and Jefferson. The sixth district shall comprise the counties of Cascade, Musselshell, Meagher and Fergus. The seventh district shall comprise the counties of Choteau, Teton, Hill and Toole. The eighth district shall comprise the counties of Blaine, Sheridan, Valley and Phillips. The ninth district shall comprise the counties of Carbon, Stillwater, Sweet Grass and Park. The tenth district shall comprise the counties of Rosebud, Yellowstone and Big Horn. The eleventh district shall comprise the counties of Custer, Prairie and Fallon. The twelfth district shall comprise the counties of Wibaux, Dawson and Richland.

State Highway
Commission cre-
ated.

Political quali-
fications.

Governor to ap-
point one com-
missioner from
each district.

Section 3. (a) STATE HIGHWAY COMMISSION.—There is hereby created a State Highway Commission to consist of twelve members, of whom not more than six shall at any time belong to the same political party. On or before the first day of April, 1917, the Governor shall appoint one member of the State Highway Commission from each of the said twelve districts provided for in Section 2 of this Act.

Section 3. (b) The members of the State Highway Commission so appointed by the Governor shall hold office for the term of four years, from and after the first day of April following their appointment, except that those members first appointed by the said Commission shall hold their offices for the following periods, to-wit:

3 members shall hold office for a period of one year.

3 members shall hold office for a period of two years.

3 members shall hold office for a period of three years.

3 members shall hold office for a period of four years.

The term of office of each member of the said Commission first appointed by the Governor shall be designated by the Governor in his appointment. A vacancy in the office of any of the said Commission shall be filled by the Governor in the same manner as the original appointment but shall only be for the unexpired term of such vacancy.

Section 3. (c) The twelve members of the State Highway Commission shall meet at the State Capitol in Helena, Montana, on the first Monday of May, A. D. 1917, and upon such meeting the said Commission shall select from its own members an Executive Committee of three members, not more than two of whom shall be from one political party. The State Highway Commission shall thereafter hold regular meetings at the State Capitol upon the first Mondays of November and May of each year. The said Commission shall also hold special meetings at any time upon the call of the Chairman of the said Commission or of the Executive Committee or of the Governor.

Section 3. (d) The twelve members of the State Highway Commission shall receive no compensation for their services except actual expenses while performing the duties of their office and claims for such expenses shall be presented to the State Board of Examiners for approval.

Section 4. (a) EXECUTIVE COMMITTEE.—At the meeting of the State Highway Commission upon the first Monday of May in each odd year, they shall elect from their own members an Executive Committee of three members who shall hold office for the period of two years and until their successors are elected and qualified.

Section 4. (b) One of the three members of the Executive Committee so appointed by the State Highway Commission shall be designated by the said Commission as President, who shall act as President of both the State

Term of office.

Terms of office of commissioners first appointed.

Governor to determine the respective terms of those first appointed.

Vacancies, how filled.

When and where commissioners to hold first meeting.

Shall appoint an executive committee of three.

Regular semi-annual meetings to be held when and where.

Special meetings.

Commissioners to receive no compensation, but their actual expenses are to be paid.

Executive committee to be elected annually.

Term of office.

President.

Highway Commission and the Executive Committee. The Executive Committee shall be provided with suitable offices at the State Capitol.

Meetings of executive committee.

Section 4. (c) The Executive Committee may meet on the first Monday of each month and upon call of the President at any place in the State to be designated by the President.

Compensation of members of the executive committee.

Section 4. (d) The members of the Executive Committee shall receive as compensation the sum of Eight Dollars (\$8.00) per day and actual expenses incurred in the performance of the duties of their office which shall be paid on verified claims to be presented to the State Board of Examiners.

Actual expenses.

Powers and duties of the commission.

Section 5. (a) **POWERS AND DUTIES OF COMMISSION.**—The State Highway Commission shall have power and it shall be its duty to formulate all rules and regulations necessary for the government of the State Highway Commission and the Executive Committee, and the said State Highway Commission is hereby authorized in its discretion to make all rules necessary to comply with the provisions of the Federal Aid Road Act of Congress, approved July 11, 1916; (39 Stat. L. 355) and to obtain for the State of Montana the full benefit of the said Act of Congress.

Rules and regulations.

Compliance with the Federal Aid Road Act.

Authorized to designate what roads shall be State Highways.

Section 5. (b) The State Highway Commission is hereby authorized to designate what public roads in the State shall be classed as State Highways and subject to improvements under the provisions of this Act and under the provisions of the said Federal Aid Road Act of Congress; and the State Highway Commission shall also formulate necessary rules and regulations for the construction, repair and maintenance of State Highways and may provide for local supervision in such cases.

To formulate rules and regulations for the construction, repair and maintenance of State Highways.

Powers and duties of the executive committee.

Section 6. (a) **POWERS AND DUTIES OF EXECUTIVE COMMITTEE.**—The Executive Committee is hereby authorized and directed to formulate such rules as it may deem necessary to carry out the provisions of this Act not inconsistent with the rules adopted by the State Highway Commission.

To employ engineers, assistants and official help.

Section 6. (b) The Executive Committee shall employ such engineers, assistants and office help as it shall deem necessary and the compensation for all such employees and assistants shall be determined by the Executive Committee and paid out of the State Highway Fund in the same manner as other state employees are paid.

Compensation to be fixed by whom.

To be paid how.

Section 6. (c) The Executive Committee shall keep a record of all proceedings and official acts of the Committee and of the State Highway Commission and shall file and safely keep all maps and papers belonging to the State Highway Commission. It shall be the duty of the said Executive Committee and their assistants and employees to give such advice, assistance and supervision with regard to road construction, improvement and maintenance through the State as time and conditions will permit and as the rules and regulations of the Commission may prescribe.

Records and maps to be kept and filed.

To give advice, assistance and supervision regarding what.

Section 6. (d) A majority of the Executive Committee shall constitute a quorum for the transaction of business and such majority is empowered to act on all matters pertaining to the duties of the executive committee.

Quorum.

Section 7. (a) CONTRACTS.—All contracts for work upon State Highways shall be let by the Executive Committee. Where the estimated cost of any piece of work upon the State Highways exceeds One Thousand Dollars (\$1,000.00), it shall be the duty of the Executive Committee to let such contract by competitive bidding upon such notices and upon such terms as the Committee may by its rules and regulations prescribe, providing, however, that this shall not apply to work by convict labor. A contractor upon being awarded a contract for construction, improvement or maintenance work upon a State Highway, and before entering upon such work, shall execute to the State of Montana a bond to be approved by the President and to be conditioned for the faithful discharge of his duties under such contract.

Contracts upon state highways.

To be let by competitive bids when.

Not to apply to what.

Bond of contractor.

Section 7. (b) No member of the State Highway Commission nor any person in the employ of the Commission or the Executive Committee shall be interested directly or indirectly in any contract for constructing, improving or maintaining any road under this Act.

No member of the commission or employee shall be interested in contract.

Section 8. (a) FEDERAL AID.—The State Highway Commission is hereby authorized for and on behalf of the State of Montana to assent to the provisions of the Act of Congress approved July 11, 1916, entitled, "An Act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes." (39 Stat. L. 355.) The State Highway Commission is hereby authorized to enter into all contracts and agreements with the United States Government relating to the survey, construction and maintenance of such roads.

Commission is authorized to consent to the provisions of the Federal Road Aid Act.

nance of roads under the provisions of the said Act of Congress, and may at their discretion submit such scheme or program of construction and maintenance as may be required by the Secretary of Agriculture and do all other things necessary to fully carry out the co-operation, contemplated and provided for by the said Act or Acts. For the construction and maintenance of rural post roads, the good faith of the State of Montana is hereby pledged to make available funds sufficient to equal the sums appropriated to the State by or under the United States Government during each of the years for which Federal funds are appropriated by Section 3 of the said Act or Acts of Congress and to maintain the roads constructed with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

Good faith of state regarding the construction, etc. of rural post roads and furnishing an equal amount of money therefor, is pledged.

State Highway Fund created.

Moneys to be credited to said fund.

Duty of Secretary of State regarding money collected from motor vehicles licenses.

Amount to be paid to counties.

Amount of money so collected to be expended by the executive committee under this Act.

Balance to be apportioned among whom.

When apportionment to be made.

Section 9. STATE HIGHWAY FUND.—For the purposes of carrying out the provisions of this Act, there is hereby created a State Highway Fund. All moneys in the hands of any State officer, March 1, 1917, credited to the State Highway Fund, shall be turned over to the State Treasurer to be credited to the State Highway Fund as created by this Act. The Secretary of State shall make a monthly report to the State Treasurer and to the Executive Committee of any and all moneys collected by him for licenses for motor vehicles and transmit with such report to the State Treasurer seventy-five per cent (75%) of all moneys so received by him to be credited by the State Treasurer to the State Highway Fund; and the Secretary of State shall transmit to the County Treasurer of the several counties of the State Twenty-five per cent (25%) of the amount received by him from residents of each of the several counties for such licenses which amount shall be credited by the county treasurer to the general road fund of the county. Two-thirds of the amount thus credited to the State Highway Fund by the State Treasurer shall be expended by the Executive Committee in carrying out the provisions of this Act; the remaining one-third of the amount so credited to the State Highway Fund by the State Treasurer shall be apportioned among the several counties of the State by the State Highway Commission in accordance with such rules as shall be adopted by the State Highway Commission, to be credited by the County Treasurer to the general road fund of the County. This apportionment shall be made by the State Highway Com-

mission at their regular meetings on the first Monday of May of each year.

Section 10. ACCOUNTING.—All accounts and expenditures shall be certified by the President of the Executive Committee and paid by the State Treasurer upon warrants drawn by the State Auditor, out of the Fund created by this Act. The State Treasurer is hereby authorized to receive all warrants drawn by the United States Government in accordance with the provisions of the said Act of Congress, and credited to the State Highway Fund.

Accounts and expenses to be paid how.

State Treasurer authorized to receive all road money paid by the Federal government.

Section 11. EXISTING CONTRACTS.—Nothing contained in this Act shall be so construed as to invalidate any contracts or agreements made by the present State Highway Commission previous to the passage of this Act.

Act not to invalidate certain contracts.

Section 12. It shall be the duty of the present State Highway Commission to turn over to the State Highway Commission, provided for in this Act, all books, records, maps, papers and all property of every kind belonging to the Commission and used by it in connection with the work of the office.

Duty of present Highway Commission regarding records, books, maps, etc.

Section 13. That Chapter 78 of the Acts of the Thirteenth Legislative Assembly entitled, "An Act to establish a Montana State Highway Commission, defining its duties and powers and providing for its compensation, providing for a State Highway Commission Fund and appropriating money therefor," be and the same is hereby repealed.

Chapter 78 of the laws of 1911 repealed.

Section 14. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 171.

"An Act Relating to the Construction, Operation, Use and Maintenance of All Electrical Construction, Appliances and Apparatus, Providing a Penalty for the Violation Thereof, and Prescribing Certain Duties for the State Industrial Accident Board, and Public Service Commission of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. OVERHEAD CONSTRUCTION OF LIGHT, HEAT AND POWER LINES. Any person, company or

Unobstructed climbing space to be maintained on electric light and power lines.

corporation owning or using any pole or appliance on which is run, placed, erected or maintained in the State of Montana any wire or cable used or to be used to conduct or carry electricity for the purpose of light, heat or power, shall provide and maintain an unobstructed climbing space adjacent to any such pole or appliance, so that persons shall be able to ascend any such pole or appliance with reasonable safety and convenience up to and through the wires, connections, attachments and structures of any such pole or appliance, and all cases where any "buck" or reverse arm is used or where special construction is used there shall be provided and maintained unobstructed climbing space of not less than twenty-two (22) inches square, omitting the area of any pole or appliance.

When a "buck" or reverse arm is used.

Size of space.

Requirements where more than 440 volts of electricity are carried.

Section 2. SPACE BETWEEN ARMS ON POLES OR APPLIANCES FOR HIGH AND LOW VOLTAGE: At least one standard pole gain, or the equivalent of four (4) feet, shall be left vacant between the nearest cross arm on which is placed or maintained any wire or cable conducting or carrying more than four hundred and forty (440) volts of electricity and any cross arm occupied by or used for wires or cables carrying four hundred and forty (440) volts or less.

How standard pole gain shall be spaced.

The said standard pole gain shall be spaced not less than twenty-four inches center to center, except that one "buck" or reverse arm may be placed not more than twelve (12) inches below any cross arm, and provided that this Section shall be held not to apply to bridge construction, and further provided that it shall be held not to apply to primary taps to transformers on poles, and provided further that all such primary taps leading to transformers on poles shall be of double braid, rubber covered wire of at least twenty-two hundred (2200) volts insulation.

Section not to apply to what.

Requirements of primary taps leading to transformers on poles.

Cross arms to be of what material and size.

Section 3. CROSS ARMS. All cross arms shall be made from clear, straight grained wood, or standardized material. The cross section of wood arms shall be not less than $3\frac{1}{2} \times 4\frac{1}{2}$ inches. The pin spacing shall be, for six pin arms, not less than thirty (30) inch center for pole pin spacing, fourteen (14) inch side spacing and five (5) inch end spacing; and four pin arms not less than thirty (30) inch center for pole pin spacing, fourteen inch side spacing and five inch end spacing.

Pin spacing.

Section 4. BRIDGE ARMS. Bridge arms having the same pin spacing as the standard cross arm and a cross section of not less than 4x6 inches may be installed in alleys or at alley and street intersections, wherever such construction may be proper, to provide the necessary clearance for fire escapes and other obstructions which may be overhanging the alley. All such structures shall be provided with idle arm, or span wire, for use of workmen.

Bridge arms and cross arms and cross sections in alleys on alley intersections with streets may be used when.

Idle arms and span wire.

Section 5. DOUBLE ARMS. Double arms if of wood shall be used at all line terminals, corners and curves where there is excessive strain. All double arms must be blocked and bolted in accordance with standard practice. All poles on which wires are permanently "dead ended" shall be double armed.

Double arms to be used where, and how blocked and bolted.

Poles when wires are "dead ended."

Section 6. GUY ATTACHMENTS. All guy wires when attached to poles, stubs or other ungrounded supports shall not reach within eight feet of the ground. Guy anchors may be installed or guy wires may be attached to rocks or other grounded supports.

Requirements of guy wires and anchors.

Section 7. GUY INSULATION. Any guy wire attached to any pole or appliance on which is run, placed, erected or maintained any wire or cable used to conduct or carry electricity for the purpose of light, heat or power, or used jointly with telephone, telegraph or other signal wires, shall be permanently and effectively insulated at all times by the insertion of at least two strain insulators. The upper of these insulators shall be inserted in the guy so as to be at least six feet in a horizontal line from the pole itself, and the second strain insulator shall be inserted in the guy so as to be not less than eight feet in a vertical line from the surface. In short guys in which the two insulators are required and which will be located at the same points or near each other, two insulators may be coupled in series and put into the guy together. All strain insulators shall be so constructed and maintained that the guy wire or guy cable holding the insulator in place shall interlock in case of failure or breakage thereof. The above shall not apply to railway electrification where at least one insulator shall be inserted in each end of every auxiliary cross span and one in each auxiliary guy.

Guy wires to be insulated how.

Insulators in guy wires.

Not to apply when.

Section 8. GUY CLEARANCE. Guy wires shall be attached to poles so as to interfere as little as possible with workmen climbing or working thereon. Every guy

How guy wires to be attached to poles.

When used over or under power wire.

wire which passes either over or under an electric light or power wire other than those attached to the guyed pole shall be so placed and maintained as to provide a clearance of not less than three (3) feet between the guy and any electric wire.

How arc lamps shall be maintained.

Section 9. ARC LAMPS. No arc lamp shall be erected or maintained in the State of Montana on any pole or appliance unless such arc lamp be so constructed and maintained as to be lowered within six feet from the surface; provided, that this Section shall not include arc lamps used for ornamental street lights attached to iron pedestals or any arc lamp attached to buildings, poles or other structures which do not carry wire other than those feeding the lamp.

When section not to apply.

Triple braided weather proof cover required on what insulation.

Section 10. WIRE INSULATION. The standard insulation wherever insulation is used, for any wire or cable run, placed or erected, in any city or town in the State of Montana, and used to conduct or carry electricity for light, heat or power, for all voltage, shall have at least a triple braided weather proof cover.

Strength and insulation required on trolley and span wires.

Section 11. TROLLEY AND "SPAN" WIRES. Trolley wires must readily stand the strain put upon them when in use and shall have a double insulation from the ground. In wooden pole construction the pole shall be considered one insulation. In all cases where "span" wires are attached to grounded supports, or on buildings or other structures, there shall be provided and maintained at least two approved insulators in any such "span" wire between the trolley and any such other structures. The outer insulators shall be placed at a distance equal to that of the curb. Any "span" wire attached to buildings or other structures shall be stranded iron or steel wire, and shall readily stand the strain put upon them in use. None of the provisions of this Section shall be held to apply where "feed" wires are used in place of "span" wires.

Double insulation required in span wires when and where placed.

Kind of material to be used in.

Section not to apply when.

Foregoing provisions to apply when.

Section 12. All of the foregoing provisions of this Act shall include current and voltage used for light, heat or power, not to exceed seventy-five hundred (7,500) volts of electricity.

Where provisions of first 3 sections shall not apply.

Section 13. None of the provisions of Section 1, 2 and 3 shall be held to apply to direct current wire carrying nominally six hundred (600) volts of electricity and used for street railway purposes; provided, however, that an unobstructed climbing space not less than twenty-six

Proviso regarding climbing space.

(26) inches in a horizontal line shall at all times be provided and maintained.

OVERHEAD LINE CONSTRUCTION OF TELEPHONE, TELEGRAPH AND OTHER SIGNAL WIRES. CROSS ARMS.

Section 14. All cross arms shall be made from clear, straight grained wood or standardized material. No wood cross arm shall be used having a cross section of less than $3\frac{1}{4} \times 4\frac{1}{4}$ inches, except where steel pins are used or where two pin arms are used. The standard pin spacing shall be not less than 16 inches from center to center of pole pins.

Material to be used in cross arms and sizes thereof.

Pin space.

CLIMBING SPACE:

Section 15. Any person, company or corporation owning or using any pole or appliance used exclusively for telephone, telegraph or other signal wires shall provide and maintain an unobstructed climbing space of not less than 16 inches.

Climbing space required in telegraph, telephone or signal wire lines.

Whenever "Buck" or reverse arms are used an unobstructed climbing space shall be left adjacent to the pole or appliance at least twenty (20) inches square, omitting the area of any such pole or appliance, any wire or cable attached to the pole in such buck-arm construction not less than forty (40) inches from the nearest cross arm shall be held not to be an obstruction to the climbing space as herein provided.

Space when "Buck" or reverse arms are used.

What to be held not an obstruction.

Section 16. GUY INSULATION. In all cases where guy wires pass over, under or between electric light, heat or power wires, they shall be permanently and effectively insulated at all times by the insertion of at least two strain insulators. The upper of these insulators shall be inserted in the guy so as to be at least six (6) feet in a horizontal direction from the pole itself, and the second strain insulator shall be inserted in the guy so as to be not less than eight (8) feet from the surface in a vertical line. In short guys in which the two insulators herein required would be located at the same point, or near each other, two insulators may be coupled in series and put into the guy together. Anchor guys for guying aerial cable leads shall be insulated from the messenger wires by being placed upon separate shims or insulated as above specified.

Insulation required in guy wires passing over, under or between high power lines.

Anchor guys.

Section 17. "AERIAL" CABLE SUPPORTS. All "Aerial" cables having two hundred (200) pairs of number nineteen (19) B & S gauge copper wire or four hun-

Bolts used in supporting "Aerial" cables.

dred (400) pairs of number twenty-two (22) B & S gauge copper wires shall be supported by through bolts at least five eighths ($\frac{5}{8}$) inches in diameter at all railroad and high tension crossings, grades, curves and corners such cable shall be reinforced by a strap supported by a lag screw or through bolts at least one-half ($\frac{1}{2}$) inch in diameter, or other appliance of equal strength.

Section 18. POLES OR APPLIANCES USED JOINTLY FOR ELECTRIC LIGHT, HEAT OR POWER WIRES, AND TELEPHONES, TELEGRAPH OR OTHER SIGNAL WIRES. A separation of at least four (4) feet measured at the pole shall be provided and maintained between any telephone, telegraph and other signal wires or cables, and electric light, heat or power wires, carrying not to exceed 440 volts provided that when the telephone, telegraph or signal wires or cables are above the electric light, heat or power wires carrying a voltage in excess of four hundred and forty (440) volts, the clearance shall be eight (8) feet. Telephone, telegraph and other signal wires or cables shall preferably be run and maintained below electric light, heat and power wires or cable. In no case shall telephone, telegraph or other signal wires smaller than No. 12, N. B. S. gauge copper wire or No. 12, B. W. G. iron wire be run or maintained as "lead" wires above electric light, heat or power wires, provided, that this shall be held not to apply to telephone, telegraph or signal wires used exclusively to maintain electric light, heat and power line.

Section 19. All telephone, telegraph or other signal wires placed on poles jointly used for electric light, heat and power wires, shall have an unobstructed climbing space of not less than twenty-six (26) inches. All telephone, telegraph or other signal wires placed on poles jointly used for light, heat or power wires shall be placed and maintained on cross arms, except that brackets may be maintained on one side of the pole not nearer than two (2) feet below the lowest cross arm for the purpose of carrying duplex wires or cables to distribute telephone, telegraph or signal wires.

Section 20. GUY INSULATION FOR JOINT CONSTRUCTION. All joint construction for wires or cable of different and conflicting voltage, as outlined in Section Nineteen (19) shall be guyed in the same manner as specified for electric light, heat and power construction.

Clearance space required in poles when poles carry high tension lines and telegraph, telephone or other signal wires.

Preferable for telegraph, telephone, etc. wires to run below light or power wires.

Telegraph, telephone and signal wires of sizes named not to be maintained above power or light lines.

Unobstructed climbing space where telegraph, etc., are placed on poles jointly with power and light wires.

Cross arms to be used.

Brackets may be used for what purposes.

Guy insulation required in joint construction.

Section 21. In all cases where there are two or more pole lines used for telephone, telegraph or other signal wires, on the same side of any street, alley or public highway, provided such lines are not parallel on a horizontal plane, the cross arms shall have an unobstructed climbing space of not less than twenty-six (26) inches.

Unobstructed climbing space where two or more telephone, telegraph, etc., lines occupy same side of street or alley.

Section 22. GENERAL CONSTRUCTION FOR ALL WIRES AND VOLTAGE. All poles shall be of the best quality cedar or other standardized material, except poles carrying one telephone circuit for rural or farmer's use. No pole shall be maintained which has not sufficient strength to safely sustain itself when supporting wires are removed.

Materials to be used in all poles.

Section 23. SIDE ARMS. When necessary to avoid obstruction a side or offset arm may be used. In all such cases a special arm of the same dimensions as the standard arm shall be used. This arm shall be bored for pins and bolts and installed with an angle iron brace. Wherever a transformer is used on any such pole on which side arm construction is used, an idle arm shall be provided.

Arms to be used to avoid obstruction.

How attached.

Where a transformer is used on poles.

Section 24. GUY WIRE AND ANCHOR PROTECTION. Where guy wires installed on Public Highways are subject to mechanical injury they shall be protected with a shield. This shield may consist of an iron pipe or a suitable wood shield, which may be clamped on the guy itself. The guy shield shall extend from the anchor rod up to a height of approximately 7 feet.

Protection to guy wires on public highways.

Section 25. CONSTRUCTION OF WIRE CROSSINGS. Where wires used for power, heat or light, cross telephone, telegraph or signal wires or where the above mentioned wires cross railroad tracks the methods of future construction or betterments and hereafter all future electrical construction in the State of Montana not herein provided for, shall conform to the National Electrical Code of the United States Bureau of Standards; this Code to be interpreted and enforced by the Railroad and Public Service Commission of Montana. This section shall not be held to conflict with any of the specific provisions of this Act.

Where power, heat or light wires cross telegraph or telephone wires of railroads, construction to be used hereafter.

Future construction to conform to what.

Code to be enforced by whom.

Section 26. PROTECTION OF GROUND WIRES AND CABLES RUN VERTICALLY ON POLES OR OTHER STRUCTURES. Any person, company or cor-

Metallic casing to be used on ground wires where and when.

poration owning or using any poles or appliances, for light, heat or power, or poles used jointly for light, heat or power wires, and telephone, telegraph and other signal wires, on which is run any ground or vertical wires shall cause all such wires except Railway auxiliary negative taps to be encased in a channel iron conduit or metal casing from the ground to a point approximately seven (7) feet above the ground so as to protect any such wires from mechanical injury, the remaining portion to be wholly encased in a casing equal in durability and insulating efficiency to a wooden casing not less than 1¼ inches thick, except that grounds for four hundred and forty (440) volts or less and Railway auxiliary negative taps shall be required to be encased down the pole to a point five (5) feet below the lowest cross arm. All metal casings to be permanently and effectively grounded; provided that this section shall be held not to apply to wires or cables which lead from overhead to underground systems, except in case of joint construction, and further provided that it shall not apply to high tension lines.

Upper casing to be used.

Casing for grounds for 440 volts or less and railway auxiliary taps.

When provisions of section not to apply.

Log book or record to be kept in all generating or substations.

Section 27. GENERATING AND SUBSTATION EQUIPMENT, RECORDS AND WARNINGS. In every generating and substation used for light, heat or power, there shall be kept a log book or record showing the changes in the condition of operation, including the starting and stopping of electrical supply equipment, the name of each foreman or workman locally in charge of work, and all unusual occurrences and accidents.

Book to be signed by whom.

Operating diagram to be kept in sight.

"Men at work" tags to be placed on switches where.

The log book or record shall be signed by the person in charge before being relieved. He shall keep within sight an operating diagram or equivalent device indicating whether electrical supply circuits are open or closed and where work is being performed. On circuits carrying normally in excess of seventy-five hundred (7,500) volts the operator in charge shall place "Men at Work" tags upon switches controlling any circuits upon which men are known to be working and it shall be his duty to enforce the safety rules and permit only authorized persons to approach the equipment or lines.

This Section shall not apply to isolated plants, generating current for telegraph, telephone and signaling purposes.

Protective and first-aid devices to be kept where.

Section 28. PROTECTIVE DEVICES. There shall be provided in conspicuous and suitable places in elec-

trical stations and shops a suitable and sufficient supply of first-aid and protective devices, all of approved kinds and qualities; the kinds and number of such devices will depend on the requirements of each case, as may be from time to time prescribed by the State Industrial Accident Board, and it shall be the duty of the said State Industrial Accident Board to prescribe such necessary protective devices. All such prescribed devices shall be kept, when not in use, in their regular location and in good working order.

Duty of State Industrial Accident Board.

Section 29. All circuits of four hundred and forty (440) volts, or more where originating or terminating in any enclosure or building or is used for underground, shall be provided with air gap switches or other approved devices, if any of the above circuits are of $7\frac{1}{2}$ Kilowatts or more capacity they shall, in addition, be provided with an oil break switch or other approved device which will safely open the circuit under the load.

Air gap switches, etc. required where.

Oil break switch required where.

There shall be no less than two experienced electricians employed on any work or maintenance to be performed on any electrical wires or equipment connected therewith carrying nominally six hundred (600) volts or more, provided however, that this shall not apply to the operation of electrical equipment nor in cases of emergency.

Two or more expert electricians shall be employed where.

Direct current feeders of two hundred and fifty (250) volts or over shall be protected by approved circuit breaking devices.

Circuit breaking devices required where.

Section 30. All fuses shall be enclosed, or expulsion type, or other approved "National Electrical Code" standards.

Fuse requirements.

Section 31. Where necessary all forms of electrical apparatus shall be effectively grounded for the protection of persons.

Grounding of electrical apparatus required where.

Wherever wires or conductors are installed within enclosures or buildings, in and about switchboards and other appliances where conductors are run, placed or erected, a clear head room of six and one-half ($6\frac{1}{2}$) feet above the floor or surface must be maintained, or the wires be effectively guarded. All apparatus, passages, manways and other places where persons may enter into must be protected with efficient guards in accordance with standard practice; provided this shall not be held to apply to electrical machinery and auxiliary devices carrying six hundred (600) volts or less.

Clear head room of $6\frac{1}{2}$ feet required when.

Guards required where.

Proviso.

Wires carrying 7500 volts must be grounded when disconnected for work.

When lines or wires carrying seventy-five (7,500) hundred volts or more are disconnected from their source of power for work to be performed thereon, said lines or wires shall be effectively grounded for the protection of workmen.

Size and shape of openings to outer air for power lines, etc.

Section 32. OPENING TO OUTER AIR FOR MANHOLES.—The openings to outer air for any manhole used for light, heat or power, shall be circular in shape, and shall be not less than 24 inches in diameter.

For telephone, telegraph and signal lines.

The opening to outer air for any manhole used for telephone, telegraph or other signal wires shall be circular in shape and shall be not less than 20 inches in diameter.

Watchman to guard manhole when and where situated.

Whenever persons are working in any manhole whose opening to the outer air is less than three (3) feet from the rail of any railway or street car track, a watchman or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

Violation of Act a misdemeanor.

Section 33. Every corporation or joint stock company or individual which shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

Penalty.

Act to go into effect and new construction thereafter.

Section 34. This Act shall go into effect on the first day of May, 1917, from which time all new construction shall conform to the provisions hereof, and all betterments on existing plants and equipment shall be made to conform to the provisions of this Act.

Conflicting acts and city ordinances repealed.

Section 35. All Acts or parts of Acts, and all Ordinances or parts of Ordinances, of cities and towns in the State of Montana, in conflict with this Act are hereby repealed, and hereafter no ordinance in conflict with any provisions of this Act shall be enacted or passed in any city or town in the State of Montana.

Approved March 15, 1917.

CHAPTER 172.

“An Act to Amend Chapters I, II, III and IV of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, the Same Being Known as the General Highway Law Relating to the Classification and Permanent Improvement of Public Highways, and to Add a Chapter Thereto to be Known as Chapter XII Providing for Special Improvements on Roads and Highways in Certain Districts.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter I of Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Amendment to Chapter 1 of Chapter 141, laws 1915.

CHAPTER I.

Section 1. This Act shall be known as the “General Highway Law.”

General Highway law.

Section 2. Within the meaning of this Act a highway shall be deemed to include its necessary embankments, retaining walls, culverts, sluices and drains, and a bridge shall be deemed to include its superstructures, abutments and piers and approaches, except dirt fills.

Term Highway to include.

Bridge to include, what.

Section 3. All highways, roads, lanes, streets, alleys, courts, places and bridges laid out or erected by the public or now traveled or used by the public, or if laid out or erected by others, dedicated or abandoned to the public or made such by the petition of real property are public highways.

What are Public Highways.

Section 4. Public highways in this state shall hereafter be classed as Common Highways, Main Highways, and State Highways. All highways which are not established or improved in the manner hereinafter provided for State Highways, shall be Common or Public Highways. Common or Public Highways shall be such as are established or improved in the manner provided by Chapter IV of this Act.

Classification of highways.

Common or public highways defined.

Section 5. All Public Highways once established must continue to be public highways, until abandoned by operation of law, or by judgment of a Court of competent jurisdiction, or by the order of the Board of County Commissioners of the county in which they are situated; but no order to abandon any highway shall be valid unless preceded by due notice and hearing as provided in this Act; and no state highway can be abandoned ex-

Public Highways to continue as such until when.

Order of abandonment, requirement.

Abandonment of State Highway.

cept on the joint order of the Board of County Commissioners and the State Highway Commission.

Width of public highways.

Section 6. The width of all public highways, except bridges, alleys, lanes, must be sixty (60) feet unless a greater or less width is ordered by the Board of County Commissioners on petition of the person interested. The width of all private highways and by-roads, except bridges, must be at least twenty (20) feet. Nothing in this Act must be construed as to increase or diminish the width of either kind of a highway already established or used as such.

Width of private highways and by-ways.

Not to affect those now established.

What public acquired in lands taken for highways.

Section 7. By taking or accepting land for a highway the public acquires only the right of way and the incidents necessary to enjoying and maintaining the same, subject to the regulations in this Act and the Civil Code provided.

Chapter II amended.

Section 2. That Chapter II of Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

CHAPTER II.

Annual highway tax to be levied in each county.

Section 1. For the purpose of raising revenue for the construction, maintenance and improvement of public highways, the Board of County Commissioners of each county in this State shall annually levy and cause to be collected a general tax upon the taxable property in the county of not less than two mills, and not more than five mills on the dollar, which shall be payable to the county treasurer with other general taxes. There is also established a general road tax of two dollars (\$2.00) per annum on each male person over the age of twenty-one years, and under the age of fifty (50) years, inhabitant within the county, and payable by each person liable therefor at any time within the year. The collection of these taxes shall be under the direction of the Board of County Commissioners; taxes from freeholders to be collected the same as other taxes, and from non-freeholders as Commissioners may direct. Provided, that the foregoing provisions of this section shall not apply to incorporated cities and towns, which, by ordinance, provide for the levy and collection of a like general tax and a like special tax within such cities and towns for road, street and alley purposes. All moneys collected under the provisions of this Act shall belong to the general road fund of the county.

Minimum levy.

Road head tax.

Collection of taxes.

Tax levy not to apply to incorporated cities and towns when.

Moneys collected to belong to county general road fund.

Section 2. Whenever in the judgment of the Board of County Commissioners of any County, it becomes necessary or advisable for the construction or improvement of any Main Highway or State Highway therein, to raise revenue in addition to that furnished by the taxes and licenses authorized by this Act, it shall be lawful for such Board to issue, on the credit of the county, coupon bonds to such amounts as said board may find necessary, provided that such bonds shall not, together with all other outstanding indebtedness of the county, exceed five per centum of the value of the taxable property within such county, to be ascertained by the last preceding general assessment therein and provided further that such proceedings be had prior to and in the issuance of such bonds, as is required in the case of other county bonds by Article III and V of Chapter II, Title II, Part IV of the Political Code.

Bonds for money to construct or improve main and State Highways.

Limit to amount of bonds.

Prior proceedings to be had.

Section 3. Every employer having in his or its employment any person or persons liable for the special road tax of Two Dollars (\$2.00) mentioned in this Act, must on or before the third Monday of March in each year, and monthly thereafter until the first day of October, furnish to the County Treasurer a complete list of all the persons so employed and if any such employer shall neglect or refuse to furnish such list, he shall forfeit to the county, in which said road tax is collectable, the sum of Fifty Dollars (\$50.00) to be recovered by an action brought in the name of the State in any Justice Court of said county, and the further sum of Fifty Dollars (\$50.00) for each refusal or neglect to furnish such list after any demand shall have been made by the County Treasurer. Upon the receipt of said lists it shall be the duty of said County Treasurer to furnish to said employer furnishing such lists, printed special road tax receipt books with proper stubs containing memorandum of name, amount and date attached.

Every employer to furnish county treasurer with list of employees, when.

Penalty if employer fails to furnish list.

Further penalty for failure to furnish list after demand.

Tax receipts to be furnished employer.

Section 4. If any person required to pay the special road tax mentioned in this Act, does not pay the same and has no property subject to taxation, and the person owing the same is in the employment of any other person, the County Treasurer must deliver to the employer a written notice, stating the amount of tax due for such employee and from the time of receiving said notice the employer is liable to pay said tax, and the tax so paid may be deducted by such employer from the amount then due or to become due to such employee.

Special tax to be paid by employer, when.

Chapter III of
Chapter 141
amended.

Section 3. That Chapter III of Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

CHAPTER III.

Duty of County
Clerk to keep
minutes relative
to highways.

Section 1. The County Clerk must include in the minutes of the Board of County Commissioners all proceedings and orders of the Board relative to each highway within the county.

Board of County
Commissioners to
have general su-
pervision of
roads in county.

Section 2. The Board of County Commissioners of the several counties of the state have general supervision over the highways within their respective counties.

Road districts.

1. They may in their discretion, keep the county divided into suitable road districts, place each of such road districts in charge of a competent road supervisor and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Supervisors.

Plat books and
records to be
kept by county
surveyor, or one
appointed for
purpose.

2. They may in their discretion provide and order the County Surveyor, or if the County Surveyor is incompetent, some other competent surveyor designated by the Board, to prepare suitable plat books and have recorded therein with the County Clerk a full description of every public highway within the county, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

Duty to cause
highways to be
surveyed, viewed,
laid out, record-
ed, opened, etc.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked and maintained, such highways as are necessary for public convenience, as in this Act provided, and cause to be erected and maintained thereon guide posts, as provided in this Act.

Abandoning
highways not
needed.

4. They must abolish or abandon in the manner provided in this Act such public highways as are not necessary for the public convenience.

Acquire right of
way.

5. They must contract, agree for, purchase or otherwise lawfully acquire the right-of-way over private property for the use of public highways, and for that purpose institute, when necessary, proceedings under Title VII, Part III, of the Code of Civil Procedure, paying for such right-of-way from the General Road Fund of the county.

Issue bonds.

6. They may, in their discretion, but subject to the limitations and provisions in the Constitution and Revised Codes provided, issue bonds upon the faith and

credit of the county for the construction or improvement of main highways, state highways and bridges.

7. They may, in their discretion, but subject to the limitations and restrictions provided in the Revised Code for the letting of public contracts, let out by contract the construction, maintenance and improvement of the public highways, and the construction, maintenance of repairs of bridges, when the amount of work to be done exceeds the sum of One Thousand Dollars (\$1,000.00.)

Contracts for road bridges, etc.

8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties.

To do all things necessary for best interest of roads.

9. They must make such reports, relating to the state roads under their supervision, to the State Highway Commission, as may be requested by said Commission.

Reports to State Highway Commission.

10. They may, in their discretion, employ a competent road builder who shall be paid for his services not to exceed Seven Dollars (\$7.00) per day and his actual expenses, who shall serve during the pleasure of the Board; whose duty it shall be, under the direction and control of said Board, to prescribe the time and place, when and where, all work shall be done on the roads of the county; report any delinquency or any inefficiency of any road overseer or any other person employed upon such road to the Board of County Commissioners and perform such other duties as may be prescribed by the said Board.

Employ road builders.

Compensation and term of service.

Duties.

Section 3. The Board of County Commissioners may also, in their discretion, out of the General Road Fund of the county, purchase and operate grading and other machinery that they may deem necessary or desirable for the improvement of the public highways in the county, and may also acquire, out of the same fund, by purchase, condemnation, lease or gift, deposits or quarries of suitable road building material; and any crushed rock or gravel, not directly used or needed by such county in the construction, repair or maintenance of its roads, may be sold at not less than actual cost of production to any person, firm or corporation desiring to use the same upon any public street or highway within the county and the proceeds of any such sale shall be paid into the General Road Fund.

Power to purchase road machinery.

Acquire or lease quarries of road materials and other materials.

May sell unused material to others for road purposes.

Section 4. Road Supervisors, when appointed, shall serve during the pleasure of the Board of County Commissioners and shall in all things be under the direction

Road supervisors; term of service.

Qualifications,
oath of office
and bond.

Compensation.

Time not to be
included in per
diem.

Road super-
visors.

Duties and
powers.

and control of said Board. Every Road Supervisor must, before entering upon the duties of his office, be a resident elector of the road district for which he is appointed and must file with the County Clerk the customary oath of office, together with a bond approved by said Board for the faithful performance of his duties. As compensation for his services he shall receive not less than Three Dollars (\$3.00) nor more than Four Dollars (\$4.00) per day for eight hours labor, but the time taken in going to or from his home to the place of labor shall not be included within such period of eight hours.

Section 5. Road Supervisors, when appointed and under the direction and supervision of the Board of County Commissioners, must:

1. Take charge of all highways, bridges and causeways within their respective districts; open all new roads when the same are duly established and ordered to be opened by the Board of County Commissioners; perform at the time and in the manner directed by the Board of County Commissioners whatever shall be lawfully directed by the Board concerning the public highways within their respective districts.

2. Make and file with the County Clerk verified reports quarterly, or oftener if required by the County Commissioners, showing the number of days they have been employed during the previous three months and when and how employed; the number of days labor performed upon the public highways in their respective districts, when and by whom performed, the character and kind of work done and the wages agreed to be paid per day; the number of teams and implements and the amount, value and kind of material used, by whom and where used and the price agreed to be paid therefor; the number and character of all the tools and implements belonging to the county within their respective districts.

3. Keep a correct account of all labor performed and animals, implements or material furnished by himself or others upon the public highways and give to persons performing such work or furnishing such animals, implements or materials, a certificate stating the number of days work performed, the character and kinds of such work and the price agreed to be paid therefor; and the number of days any animals or implements have been used and the price to be paid therefor and the amount and character of all materials furnished.

Section 6. Whenever it becomes necessary for any Road Supervisor, in the repairing of any public highways in his district, to secure the assistance of other persons, he shall be empowered to employ suitable laborers, teams and implements, and to contract as to the price to be paid therefor, which must not exceed the rate of Four Dollars (\$4.00) per day of eight hours for each person and Six Dollars (\$6.00) per day of eight hours for man and team; but the time taken by such person or teams in going to and from the place of labor shall not be included within such period of eight hours.

Power of supervisor to employ persons, teams and implements.

Limit to compensation to be paid.

Time not to be included in per diem.

Section 7. Whenever any public highway becomes obstructed from any cause, or any bridge needs repairing or becomes dangerous for the passage of teams or travelers, the Board of County Commissioners, or the Supervisor of the Road District, if there be one, upon being notified thereof, must forthwith cause such obstruction to be removed, or bridge repaired, for which purpose such person as the Board of County Commissioners may designate or the Road Supervisor of the district may order out such number of inhabitants of the district as may be necessary to aid in removing such obstruction or repairing such bridge, or if any person after three days notice, whether said notice be oral or written, who being physically able to respond, shall fail to be present at the time and place designated, or who, having attended, refuses to obey the direction of the person in charge of the work, or passes his time in idleness, or inattention to the duty assigned him, shall be liable to punishment as for a misdemeanor. Provided, that every person responding to any such order and performing the duties assigned him, shall be compensated for his labor at the rate not to exceed Four Dollars (\$4.00) per day of eight hours, the time taken in going to and from the place of labor not included.

When road is obstructed or bridge becomes dangerous.

Duty upon receiving notice thereof.

Power of commissioner and road supervisors.

May order out inhabitants.

Misdemeanor to fail to be present or refuse or neglect to obey orders.

Compensation of persons attending.

Section 8. The amount of expenditures in any road district for labor and teams, together with the compensation to be paid to the Supervisor, shall not exceed in the aggregate the sum apportioned quarterly by the Board of County Commissioners to such road district, but if such sum is not sufficient, said Board may appropriate from the General Road Fund any amount which may be necessary in their judgment for the use and benefit of such district. Provided, however, that the full amount of all road taxes collected in remote and outlying districts shall be expended annually by the County Com-

Limitation to amount which may be spent quarterly.

When Board of County Commissioners may increase appropriation.

Full amount of taxes shall be expended annually in remote and outlying districts.

missioners on the roads within the boundaries of said districts.

Duty of commission to examine supervisor's reports.

Section 9. The Board of County Commissioners at the first monthly or quarterly meeting held after the filing of any supervisor's report, must examine the same and if found correct and the work reported to have been done was necessary and properly done, cause an order to be drawn on the County Treasurer against the road fund for the amount due any Road Supervisor for his services; and upon the presentation of any certificate issued by road supervisors for labor performed by others and the verification by the owners thereof, as in other cases of claims against the county, the Board shall cause to be issued to the owner or holder of such claims a warrant for the amount thereof, drawn on the County Treasurer against the road fund.

Settlement with road supervisors.

Authority to open and construct drains and ditches.

Section 10. The Road Supervisor, or other person designated by the Board of County Commissioners, has authority to open or construct drains and ditches for the making and preserving of roads and highways, doing as little injury as may be to the adjoining land, and any person stopping or obstructing the drains or ditches so made, forfeits the sum of Fifty Dollars (\$50.00), to be recovered by the Supervisor or Board of County Commissioners in a civil action in any Court of competent jurisdiction. If any person feels aggrieved by the act of any supervisor, or other person designated by the Board of County Commissioners, he may make complaint in writing to the Board of County Commissioners who will allow just damages and pay the same out of the road fund.

Penalty for obstructing same.

To be recovered how.

Complaint by persons injured by construction or opening of drains.

Implements to be furnished to Road Supervisor.

Section 11. Upon the requisition of any Road Supervisor, the Board of County Commissioners shall, whenever necessary, furnish to said Supervisor any plows, scrapers, or other tools and implements necessary for the use of his road district and cause the same to be paid for out of the General Road Fund of the County. The Supervisor must preserve such tools and implements, and must not allow the same to be used except on public highways; at the expiration of his term of office, or upon his removal therefrom, he must turn over all such tools and implements to his successor or to the Board of County Commissioners.

Care, use and return of implements and tools.

Inspection of highways and work on highways and bridges.

Section 12. The Board of County Commissioners may direct the County Surveyor or some member or members of said Board to inspect the condition of any proposed highway, or highway, or work on any highway or bridge

in the county during the progress of the work, and before payment therefor, and such member or members of said Board shall receive for making said inspection, the sum of Eight Dollars (\$8.00) per day, and actual expenses, and the County Surveyor shall receive for making such inspection when directed and for all other work performed for the county under the direction of the Board of County Commissioners, the sum of Seven Dollars (\$7.00) per day and actual expenses, which shall be audited and allowed in the same manner as any other claims against the county.

Compensation per day of commissioners.

Expenses.

Compensation of county surveyor in inspection work.

Section 13. The County Surveyor, or such member or members of said Board, when they act jointly, if there be no prior Board order so directing, must at the next regular meeting of the Board, make proper entries of such inspection.

Entries of inspectors to be made by whom.

Section 4. That Chapter IV of Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Chapter amended.

CHAPTER IV.

Section 1. Any ten or a majority of the freeholders of a road district, taxable therein for road purposes, may petition in writing the Board of County Commissioners to establish, change or discontinue any common or public highway therein. When such a highway is petitioned for, upon the dividing line between two (2) counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented to the Board of County Commissioners of each county, who shall act jointly.

Petition for change in or discontinuance of common or public highway.

Section 2. The petition must set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid out or constructed, the general route thereof, over what lands, who are owners thereof, whether such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for and advantage of the proposed road.

Petition to contain what.

Section 3. When any petition is filed as authorized in Section 2 of this Chapter, the Board of County Commissioners shall, at their next regular meeting or at some date within thirty (30) days after the next regular meeting, proceed to cause an investigation as to the feasibility,

Duty of County Commissioner upon filing of petition.

desirability and cost of granting the prayer of said petition, causing such investigation to be had as may be necessary to properly determine the merits and demerits of the petition.

Duty of County Commissioner to enter in their minutes their decision after investigation.

Notice of decision to be sent to petitioner.

When highway is opened upon petition duty to declare it a public highway.

Board may cause the same to be surveyed and platted and field notes filed where.

Compensation of surveyor.

Board shall find the amount of damages to each party affected when highway is ordered established or location changed.

When and how damages to be paid.

Road must be declared a public highway when.

How damages are to be ascertained.

When award of damages deemed rejected.

Suit to procure right of way.

Section 4. After the Commissioners shall have considered the petition, Provided that not more than one member of the Board of County Commissioners and the County Surveyor shall act as viewers in making the investigation as provided in this section, they shall make an entry on their minutes of their decision with reference thereto and cause notice to be sent by registered mail to the parties interested therein of their findings on said petition.

Section 5. If the petition is for the opening of a highway, and the Board grants the prayer of said petition and orders the same opened, they shall proceed at once to have the same opened to the public and declare it to be a public highway; and the Board may order the County Surveyor, or if the County Surveyor is incompetent, some other competent surveyor designated by the Board, to survey the same and plat it and file his field notes with the County Clerk and Recorder, for which the surveyor shall receive Seven (\$7.00) Dollars per day and actual traveling expenses.

The Board of County Commissioners upon making each and every order establishing the location or alteration of any highway, must find the amount of damages sustained by each and every person owning or claiming lands or any improvements thereon and affected thereby, such amounts to be paid to the proper owner or claimant, if known, upon their showing or establishing their right or title to such lands or improvements and furnishing proper deeds and releases. If the awards are all accepted the road must be declared a public highway and opened.

Section 6. The damage must be determined by ascertaining the benefits and damages accruing to any person by reason of altering, changing or laying out such roads, and the sum estimated as benefits must be deducted from the sum estimated as damages, and the remainder, if any, shall be the amount of damages awarded.

Section 7. If any award of damages is not accepted within thirty days from the date of the award, it shall be deemed rejected by the land owners. The Board must, by order, direct proceedings to procure the right-of-way to be instituted by the County Attorney of the county under and as provided in Title VII, Part III of the Code

of Civil Procedure against all non-accepting land owners, and when thereunder the right-of-way is procured, the roads must be declared a public highway and opened as hereinbefore provided.

A public highway.

Section 8. All awards by agreement, ascertained by the Board of County Commissioners or by the proper Court, and all expenses, including their own expenses and per diem as is authorized by Section 3194 of the Revised Codes of 1907, must be paid out of the general road fund on the order of the Board of County Commissioners.

Damages, expenses and per diem to be paid out of what fund.

Section 9. If a highway is opened or altered, the findings of the Commissioners and the plat, field notes and report of the surveyor must be recorded in the office of the County Clerk in books kept for that purpose.

Papers to be filed when highway is opened or altered.

Section 10. No highway must be ordered opened through fields of growing crops or along the line where crops would thereby be exposed to stock until the owner thereof has sufficient time to harvest and care for such crops.

Highway must not be ordered opened through field of growing crops until when.

Section 11. When a highway is to be opened, constructed, altered, or widened, the County Clerk must notify the supervisor of the proper district and furnish him with a certified copy of the order of the County Commissioners; provided, that when the estimated cost of opening, constructing, altering, or widening exceeds Two Hundred Dollars the work may, in the discretion of the County Commissioners, be let by contract; and if such estimated cost exceeds the sum of Five Hundred Dollars, such work may be let by contract unless the Board shall find that such work may be otherwise done at less cost; but before any contract shall be let, as provided herein, the Board of County Commissioners shall advertise for bids therefor at least once a week for two successive weeks in a newspaper of general circulation in the county, and the contract shall then be awarded to the lowest responsible bidder who shall, before entering upon the performance of the work, execute and deliver to the Board of County Commissioners an undertaking with two or more sureties, to be approved by the Board of County Commissioners, in a sum not less than equal the amount for which the contract is awarded and conditioned for the prompt, faithful and efficient performance of such work; provided, however, the Board of County Commissioners may reserve the right to reject any and all bids.

County clerk must furnish district supervisor with copy of order for opening, altering, widening, etc., highway.

Work may be let by contract when.

Shall advertise for bid before letting work by contract.

To be awarded to lowest responsible bidder.

Bond to be given.

Board to reserve right to reject all bids.

Deed to or certified copy of condemnation of right of way must be filed of record, when.

Section 12. In all cases where consent to use the right-of-way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing, conveying the right-of-way and incident thereto, signed and acknowledged by the party making it, or a certified copy of the judgment of the Court condemning the same, must be made and filed and recorded in the office of the County Clerk, in which the land so conveyed or condemned must be particularly described.

Crossings of railroads, canals and ditches.

Section 13. Whenever highways are laid out across railroads, canals, or ditches, or public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches, that the public highway may cross the same without damage or delay; and when the right-of-way for a public highway is obtained through the judgment of any Court over any railroad, canal or ditch, no damage must be awarded for the simple right to cross the same.

Duty of owners.

No damage to be awarded for simple right of crossing.

Notice to owner to remove fences necessary when old road is altered or new road is opened.

Section 14. When the alteration of an old or the opening up of a new road makes it necessary to remove the fences on land given, purchased or condemned by order of the Court for road or highway purposes, notice to remove the fence must be given by the road supervisor or other person designated by the Board of County Commissioners to the owner, the occupant or agent, by registered mail, postage prepaid, to his or her address; and if the same is not done within ten days thereafter, or commenced and prosecuted with due diligence, the road supervisor or other person designated by the Board of County Commissioners must cause it to be removed at the expense of the owner and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

When road supervisor or person in charge may cause fences removed.

At expense of owner.

Highways must be laid out, when practicable, on what lines.

Section not to be construed, how.

Petition to change highway to run on subdivision of section lines.

Section 15. Highways must be laid out and opened when practicable upon subdivision or section lines; provided, however, that this Section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Section 16. Upon petition signed by a majority of the free-holders, or owners, residing upon any common highway, or portion thereof, petitioning that such highway or a portion thereof, be so changed as to run on subdivision or section lines, the Board of County Commissioners must proceed to investigate the same, to all intents and purposes as though it were a petition to establish, change or discontinue any common highway, as

Commissioners to investigate in what manner.

such proceedings are provided for in this Chapter, and after such investigation or hearing, may make such change, provided, it can be done without material damage, injury, or serious inconvenience to the public customarily using such highway, or portion thereof; provided further, that those petitioning for such change shall bear all or such portion of the cost and expense thereof as the County Commissioners may order.

Change may be made when.

Petitioners to bear what proportion of cost.

Section 17. None of the proceedings authorized by this Chapter shall be invalid by reason of any defect, informality or irregularity therein which does not materially affect the interests of the County or prejudice the substantial rights of property owners immediately concerned.

When proceedings authorized by Act shall not be invalid.

Section 5. That Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana be and the same is hereby amended by adding thereto a chapter to be known as Chapter XII, which shall read as follows:

Chapter amended.

CHAPTER XII.

Section 1. The Board of County Commissioners of any county in this State, shall have power as hereinafter provided and it shall be its duty to cause to be constructed, laid out and improved, Main Highways within their respective counties and to levy and cause to be collected an assessment upon all lots, tracts and parcels of land specifically benefitted by such improvements laying out or construction for paying the cost and expense thereof which assessment shall become a first lien upon all property liable for, prior and superior to all other liens and encumbrances; and to provide for the payment of such assessments either on the immediate payment plan or by installments, and to issue local improvement district bonds and coupons for each installment.

Power and duty of County Commissioners to construct, lay out and impose Main Highways and levy assessments.

Assessment to become a first lien.

Provide for payment of assessments and issue local improvement district bonds.

Section 2. That upon presentation of a petition as provided in this Act, the Board of County Commissioners shall pass a resolution that the public interest demands the improvement, laying out or construction of such road, or part thereof, and described in such resolution, but such description shall not include any portion of a highway within the boundaries of any city or incorporated town.

Resolution to be passed upon presentation of petition provided by Act.

City highways not to be included.

Section 3. The owners of two-thirds of the lineal feet of lands fronting on such road or proposed road or part thereof sought to be laid out, constructed or improved, may present to the Board of County Commissioners, a

Owners of what number of lineal feet may present petition.

What petition
to contain.

Where property
belongs to estate
of deceased per-
son.

Order appointing
time and place to
hear petition and
owners affected
and to meet
County Surveyor.

County Clerk to
notify County
Surveyor.

Notice by publi-
cation.

Contents of
notice.

Who shall pre-
side at meeting.

Election of a
committee of su-
pervisors.

Chairman to cer-
tify to election.

Oath of those
elected.

petition setting forth that the petitioners are such owners and that they desire such road to be opened, laid out or constructed under the provisions of this Act; the kind and nature of the improvement desired and the mode of payment of the assessments to be levied for defraying the cost thereof. If any such property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be, shall be deemed equivalent to the signature of the owner of the property.

Section 4. That in receipt of such petition the Board shall make an order appointing a place in the vicinity of said road and fix the time when said petitioners and all owners of the land fronting upon said road or lands owned within two miles on either side of said road and upon whose lands special assessments will be levied to pay for such construction or improvements may meet with the County Surveyor or his duly appointed deputy and the County Clerk shall immediately notify the said County Surveyor of such meeting and shall cause a notice thereof to be given by publication in a newspaper printed and published in the vicinity of said road and nearest thereto, in said county, for three consecutive weeks next prior to the time of such meeting, which notice shall state the time and place of said meeting and in general terms the kind of construction and improvements petitioned for, the place of beginning, intermediate points and place of determination of said road or the portion thereof sought to be constructed and improved. At the said meeting the County Surveyor or his deputy or in the absence of both some one of the said land owners present, shall preside, and said petitioners and said owners, as well as other owners of such land, shall proceed to elect three of their number as a committee of supervisors, at least one of whom shall be chosen from those who signed said petition. The majority of said owners present and voting at such meeting shall be sufficient to such election, and said presiding officer shall declare and certify to said Board of County Commissioners the names of such owners so elected as such committee of supervisors. The persons so elected shall qualify immediately by taking an oath that they are owners of lands benefited by said improvements and to be included within the local assessment district, and that they will fully, impartially and faithfully perform their

duties as supervisors to the best of their ability, which said oath may be administered by any one authorized to administer oaths, or by said County Surveyor or his deputy, and are both hereby authorized to administer the same.

Section 5. It shall be the duty of said supervisors and County Surveyor or his deputy, to forthwith proceed to view, examine and survey said road sought to be constructed or improved, that said surveyor make plans and specifications as well as possible and estimate the cost of such construction; to examine and determine the lands that will be specially benefited by such improvement or construction and should be included within the local district that is to be assessed to defray the cost and expense, and such improvements and benefits; to ascertain all if any damage or injury to the property; if any person or persons will be sustained by or in consequence of the making of such improvement or construction for the payment of which such local assessment district would be liable, and in so far as may be obtained without cost to the said assessment district the release in writing from each person or persons of their claim in such damage or injury or, in case of failure so to do, arrange in so far as may be, in such release to be given, upon the approval or consent, for such terms as to amount as may be deemed fair and reasonable, to be paid from the moneys collected upon the assessment of said district; and said Surveyor shall without delay prepare such plan and specifications and an estimate of the cost of such improvement and construction enclosing therein all expenses incident thereto, and prepare a plat and description of such local assessment district and a description of several tracts or parcels of land included therein and the valuation of said lands as the same appear upon the last annual assessment roll of the County made for the purpose of levying general taxes thereon.

Section 6. That the local assessment district shall be constituted and the boundaries thereof fixed as follows: the lands extending from the center of the road one-half mile on each side thereof to-wit; a distance of one mile in width shall constitute "Part One" of said local assessment district; "Part Two" of said local assessment district shall be that portion of said lands embraced within an area one mile wide on each side of Part One, and "Part Three" of said local Assessment district shall be all lands lying within the area one mile wide extending

Duty of supervisors and county surveyor.

Ascertain damages.

To obtain releases in writing so far as may be.

To arrange terms of releases.

Surveyor to prepare plans, specifications and estimates, including what.

Plat of district.

How district to be constructed and the boundaries thereof.

Assessment on Part One. along Part Two of said district; all of said division shall extend the full length of said proposed road and one mile beyond the terminus thereof, unless said local committee of supervisors shall otherwise provide. Each separate tract or parcel of land lying and being in Part One of said district shall be assessed and be subject to a charge for a proportional part of 45 per cent of the whole cost of construction work or improvement payable by said district and said lands shall be subject to a lien therefor until said assessments shall be paid; each separate tract or parcel of land in said Part Two of said district shall be assessed and subject to a charge for a proportional part of 35 per cent of said whole cost of expense of said construction work and improvements assessable against said entire district and be subject to a lien therefor until all of said assessments shall have been paid; each tract or parcel of land in said Part Three of said district shall be assessed and subject to a charge, a proportional part of 20 per cent of said whole cost and expense of said construction work and improvements assessable to said district and all of said lands therein shall be subject to a lien for said assessment until all of said assessment has been paid. The charge upon the several tracts or parcels of land to each subdivision of said district shall be assessed ratable according to the front foot plan: that is to say, one foot of longitude measured along the road constituting the center of such improvement district, and extending latitudinally across the subdivision shall be taken as the unit by which to determine the proportion of the assessment, so that a unit in each subdivision are not equal to each other the rates fixed for each subdivision will be 880 square feet to superficial area. If the area of said subdivision are not equal to each other the rates fixed for each subdivision shall be fixed on the basis that the benefit conferred on 880 square feet of land in subdivisions first, second, and third, are related to each other as are the numbers 45, 35, and 20, respectively.

Assessment of lands in part two.

Assessment of lands in Part Three.

Assessment to be on front foot plan.

Assessment units.

When the area of sub-divisions are not equal.

Report of County Surveyor at annual meeting of commissioners.

Section 7. When the County Surveyor shall have completed the said work of making estimates and surveying the said road, he shall at the next annual meeting of the Board of County Commissioners render a detailed report to the Board that the maps, descriptions, plans, specifications, and details and estimates of damages, costs and expenses, and if it should appear from such report that the whole amount of the damages, costs and

expenses of such construction and improvements chargeable as a lien against the property specially benefitted within the improvement district, does not exceed fifty (50) per cent of the total assessed valuation of the lots, tracts, and parcels of land contained in such improvement districts, as the same appears upon the last annual assessment roll of the County, the said Board shall make and enter upon the reports, an order that such improvements and construction be made, thus creating such local improvement district for the payment of such damages, costs and expenses of making such improvements and construction by special assessment of the property in such district specially benefitted; to be known and designated LOCAL IMPROVEMENT DISTRICT NO..... IN.....COUNTY, MONTANA, and such report shall be kept on file in the office of said Board as well as in the office of the County Surveyor.

Section 8. When the County Surveyor and Local Supervisors are unable to agree with the owner of any lands upon the amount of damages sustained by the taking or injuring of his property by reason of making such improvements, they shall in said report to the Board set forth such fact, with the statement of their reasons therefor, and such Board of County Commissioners shall cause the amount thereof to be ascertained and determined by condemnation proceedings and paid, in the same manner as damages are ascertained, determined, and paid, when new roads are laid out and opened by the Board; and such damages and the expenses incident to ascertain same shall be advanced on the order of the Board, from the funds of the County, so that the progress of such work shall not be delayed and said general fund may be thereafter reimbursed from the money collected for the local improvement district.

Section 9. When the local improvement district is being laid out and roads constructed and improved therein, the petitioners therefor, in the petition provided for in this Act, shall state therein the proportional share of the costs and expenses of said work of improvements that the said local improvement district will agree to assume and pay; which said sum must not be less than thirty-five (35) per cent thereof and may be as much as seventy-five (75) per cent thereof.

Whenever an agreement has been made and entered into between the said proposed local district and the said Board of County Commissioners, specifying the amount

Board shall make an order upon the said report that the improvement be made, when.

District created thereby for what purpose.

To be known as report to be left on file where.

Duty of County Surveyor and local supervisors when damages cannot be agreed upon.

Condemnation proceedings to be instituted.

Damages and expenses to be advanced from what funds.

Proportion of costs and expenses which petitioners agree district shall pay to be stated in petition.

Order which Board shall make when proportion of costs and expenses to be paid by district is agreed upon.

that shall be paid by said local district and the amount that shall be paid from the county funds, the Board shall make an order to that effect on the records of the proceedings of such County Commissioners.

County Commissioners authorized to order paid from county funds the proportion to be paid by the county.

Limitation to proportion.

Contract to be let by local committee of supervisors, when.

To advertise for bids.

Bids to be opened where.

Limit to amount of contract.

To whom work may be let.

All bids may be rejected.

Bond of contractor.

When partial payments may be provided for in contract, when.

Section 10. The Board of County Commissioners shall have the power and it shall be its duty to order paid from the county funds the share of the county for the construction or improvement of the Main Highway in said local improvement district as in this Act provided, not to exceed, however, sixty-five (65) per cent of the cost of construction and laying out or improving of such highway and such amount so ordered shall be the proper charge against the county wherein the improvement or construction is made and the same shall be paid by the County Treasurer of such county upon warrants duly drawn as ordered by the Board of County Commissioners.

Section 11. That after the Board has made the order creating and establishing the local improvement district, the local committee of supervisors shall let the contract for furnishing the necessary materials and the performance of the work and labor necessary for the construction and completion of said road according to said plans and specifications and under the supervision of the County Surveyor they shall advertise for bids for the construction, laying out or improving of such Main Highway, and fix the time for opening such bids at the office of the Board of County Commissioners and award such contract to the lowest responsible bidder, except that no contract shall be awarded at a greater sum than the estimate of cost of such work hereinbefore provided for. The said work may be let to one or more contractors or all of same may be left in one contract or in separate contracts in the discretion of said local supervisors. The committee of supervisors may reject any and all bids and before the execution of any contract they shall require a bond satisfactory to them that the contractor will furnish the required material and perform the required work upon the terms specified in the contract and within the time prescribed; and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed for injury of persons or property during the construction of said improvement and until the same is accepted.

Partial payments may be provided for in the contract, and paid in the manner herein provided when certified by the County Surveyor and Committee of Supervisors

to an amount not exceeding eighty (80) per cent of the value of the work done and the materials furnished and the said contract shall provide that at least twenty (20) per cent of the estimated amount shall be retained to secure the payments to laborers and material men who have furnished materials therefor or labored on said works and such laborers and material shall have thirty (30) days after the work has been completed or materials furnished, for lien on such twenty (20) per centum so reserved; Provided, notice thereof in writing shall have been filed with the committee of supervisors within said thirty (30) days, which lien shall be senior to all other liens, such as judgment, garnishment, or judgment liens, and no improvements or construction shall be deemed to be completed until the committee of supervisors have filed with the Clerk of the Board of County Commissioners a statement signed by a majority of them declaring same to have been completed and that all labor and material liens have been discharged. Such contract shall be executed in the name and on behalf of the County by the Board of County Commissioners and attested with the seal thereof, for the use and benefit of said local improvement district; but such county shall not thereby be rendered subject to any claim or liability in a greater sum than that agreed upon with said proposed assessment district as provided in the order fixing the amount chargeable to said county.

Contract shall provide.

Notice of liens shall be filed with local supervisors within what time and to be senior to what.

When improvement or construction to be deemed completed.

Contract to be executed by whom.

County not liable beyond what amount.

Section 12. That the notice for bids shall state generally the work to be done and refer to the plans and specifications and shall call for proposals for doing the same, and furnishing the materials and all bids shall be accompanied by the cash or certified check payable to the order of the Board of County Commissioners for a sum not less than five (5) per cent of the amount of the bid.

Notice for bids shall contain what.

Certified check to accompany each bid.

At the time and the place named, such bids shall then be opened and read and the committee of supervisors shall determine the lowest and best bidder and may let such contract to such bidder, if within the estimate, but if in their opinion all bids are too high, they may reject all of them and re-advertise for bids.

Bids to be opened where and when.

To determine who the lowest and best bidder.

May reject all bids.

If the bidder whose contract is accepted fails to enter into such contract, according to his bid, and according to plans and specifications, within ten (10) days from the time he is notified that he is the successful bidder and to execute and file a bond, the said cash or check

Certified checks to be forfeited when.

for the amount thereof shall be forfeited to the county for the use and benefit of that particular local improvement district.

Inspector of work to be appointed.

Duties of inspector.

Compensation of inspector.

Compensation of committee of supervisors.

Section 13. The Committee of Supervisors and County Surveyor, together shall appoint some suitable and competent person other than such Committee as an inspector of such work as it progresses, whose duty it shall be to be upon the work at all times during its progress and to inspect the performance thereof and to report to and to be under its supervision of the County Surveyor and to inform said Surveyor and said Committee of Supervisors of any departure from the plans and specifications. He shall be paid for his services as such inspector at the rate of five (\$5.00) dollars per day for the time he is actually engaged thereon. Each member of the Committee of Supervisors shall be paid for his services the sum of Three (\$3.00) Dollars per day for the time said committee of Supervisors is actually engaged in meeting and acting with said Surveyor and in transacting as a committee the business of said local improvement district until the work shall have been fully completed and accepted, and said Committee shall be paid no mileage or other expense save and except the Three (\$3.00) Dollars herein provided for.

District may contract for work to be done by the Board of County Commissioners, when.

Highway may be constructed and improved at expense of county when and how.

County to be recompensed by the local improvement district.

When the bonds to become the property of the county.

Lien to attack.

That when bids for the construction and improvement of said Highways are rejected by the local committee of supervisors, then it shall be lawful for the said improvement district to contract with the Board of County Commissioners to construct or improve said Highways. The said Highways in said improvement districts may be constructed and improved in the first instance at the entire expense of said county and the county may, as far as practicable, take the place of a private contractor, provided for in this Act; and said county shall, when it has paid for such construction or improvements, be recompensed for same by the local improvement district to the proportional part of said costs and expenses as shall have been agreed upon before said work was performed by said county; and, in case the said installment plan was adopted, then, and in that event, the bonds issued for said improvement district shall become the property of said county, and the LIEN herein provided for on the lands in said improvement district, shall be as valid and existing as if the contract had been let to a private contractor as provided in this Act.

No Board of County Commissioners or other officer, shall directly or indirectly, release or attempt to release, until all bonds are paid in full, any land from the effect of the said lien in this Act provided for, regardless of who shall hold said bonds and whether it shall be a county or private person; the bonds shall always be protected until they are fully paid by the said assessment made upon the lands in said improvement district and the said lien shall remain inviolate and perpetual and prior to all other liens or incumbrances until the said bonds and interest thereon shall be paid in full.

County Commissioners shall not release land until bonds are fully paid.

Assessments and lien to remain inviolate until when.

Section 14. That when the final order for such improvement and construction shall have been made, the Committee of Supervisors together with the County Assessor shall proceed to apportion the estimated cost and expenses of said improvement and construction upon the land embraced in said improvement district, according to the benefit derived therefrom, and within thirty (30) days from the letting of the contract, the said County Assessor shall report to and file with the Board of County Commissioners and the County Treasurer an assessment roll in duplicate, which assessment roll shall contain the description of each lot and parcel of land to be assessed, the amount to be charged, levied or assessed against each lot, parcel or piece of land, in proportion to the benefit to be derived from said improvement or construction, and the name of the owner of same, if known, but in no case shall a mistake in the name of the owner be fatal to the assessment when the description of the property is correct.

Apportionment of estimated costs of improvement to be made when and by whom.

Duty County Assessor relating to assessment roll.

Assessment roll to contain what.

As soon as said assessment roll shall have been so reported and filed, the County Commissioners shall cause notice to be published for three (3) consecutive weeks, which notice shall be published in the newspapers in which notice of invitations for bids for the contract was published, notifying all persons interested that such assessment roll has been filed, and requiring them to appear at the office of said County Commissioners at the county seat at a time not less than fifteen (15) days from the date of the last issue of said publication of said notice, and make objection thereto, if any they have, at the time fixed for objections, the County Commissioners, together with the Assessor of the county, shall meet, and if no objections have been filed to said assessment roll, the Commissioners shall make an order confirming the same; but if any objections in writing, properly verified,

County commissioners shall cause notice of assessment roll to be published, where and when.

Order confirming assessment roll to be made when.

Hearing of objections to assessment roll.

Correction of mistakes.

Order approving and certifying assessment roll and assessment to be levied when.

Two modes of making payments of special assessments.

Mode adopted in petition.

Installment payments to be made at what times.

To be in bonds bearing six per cent interest.

Proceeding when the "Immediate Payment" plan is adopted.

County Treasurer shall give notice to land owners when and how.

Notice shall state, what.

have been filed by any of the land owners affected thereby, the County Commissioners shall proceed to hear such objections and for that purpose shall hear any testimony that shall be offered by any party interested.

After such hearing the Board shall make such corrections and charges, if any, which to them appear just and requisite to apportion the assessment to the benefit to be received from such improvement or construction, and said Board shall then make and enter an order to approve and certify such assessment roll and with the aid of the County Assessor shall levy and assess the amount thereof against each and all of the lots and parcels of land or parts thereof, respectively, included in said roll as provided, and said assessment so made shall become a first lien on the land described in the assessment roll.

Section 15. There shall be two modes of making payment of such special assessment charged against the several tracts and parcels of land included in such local improvement district, namely, that of "Immediate Payment" and that of payments in Installments, and the mode of payment shall be that petitioned for by said landholders. The payment of installments shall be in six (6) equal installments in one, two, three, four, five and six years, and such installment payments shall be in the form of bonds that shall draw six (6) per cent interest per annum from the date until they are paid.

Section 16. In case the "Immediate Payment" plan is adopted, the County Commissioners as soon as such assessment roll has been proved and certified, shall deliver the same to the County Clerk, who shall file one of such duplicates thereof in his office and shall immediately deliver the other of such duplicates to the County Treasurer that the said Treasurer may collect such assessment.

The County Treasurer shall give notice by publication for two consecutive weeks in the newspapers in which the notice for bids was advertised and shall mail copy of such notice to the owners of the property assessed when the name of such owner and his post-office address is known but the failure to mail such notice shall not be fatal to such assessment when publication thereof is made in said newspapers. Said notice shall state that such assessment roll has been certified to the Treasurer for collection, and that unless payment is made within thirty (30) days from the date of such notice, such assessment will become delinquent and shall bear interest

at the rate of ten (10) per cent per annum and if not paid before such assessment shall have become delinquent a penalty of five (5) per cent shall be added to the sums delinquent as well as the interest on the annual tax roll for the current year against each lot, tract and parcel so delinquent and that the interest and penalty collected, as other taxes are collected, together with such additional charges as are authorized to be charged and collected on other delinquent taxes and that the same shall be sold for the amount of such special assessment with interest, penalty and costs, in the manner and with the same authority as lands are sold for general taxes.

Section 17. That in case the mode of payment by installment be adopted, the County Commissioners and the Committee of Supervisors shall proceed as nearly as may be, as in case the mode of immediate payment plan was adopted, to the approval and certifying of the assessment roll; but the County Commissioners and Assessor at the time of levying said assessment, and in their order naming such levy, shall provide and declare that the sum charged thereby against each of such tracts or parcels of land may be paid in equal annual installments, with interest upon the whole sum charged at the rate of six (6) per cent per annum, specifying the number of such installments which shall be equal to the number of years for which the bonds may run; and each year thereafter the county treasurer shall collect one of said installments together with the interest due thereon and the interest on the installments thereafter to become due, in the same manner and with the same added penalty and interest in case of delinquency, and by means of the same proceedings to enforce such payment by the sale of the land as hereinbefore provided for the collection of said assessment by the method of immediate payment.

Section 18. The County Commissioners may, and, in all cases where improvement is ordered upon a petition, specifying the method of payment of bonds, must provide that the payment of costs and expenses of such improvement or construction be made under the provisions of this act, by bonds as charged against the property of the local improvement district, issued to the contractors in payment of the contract price, or by the proceeds of such bonds to be issued and sold as hereinafter provided.

Section 19. The County Commissioners shall make and enter an order authorizing and directing the issuance of said bonds, and the terms may be payable on same at a

When the installment plan is adopted, duty of County Commissioners and committee of supervisors in approving and certifying the assessment roll.

Shall declare that payments may be made how.

Duty of county treasurer to collect annual installments.

County Commissioners must provide that the payment must be made under the provisions of this Act, and how.

Commissioners shall make an order authorizing the issuance of bonds and date of payment.

date not to exceed ten (10) years from and after the date of their issuance, and payment of which shall not be demanded by the holder thereof until said bonds become due, and they shall bear interest at the rate of six (6) per cent per annum, payable annually, and each bond shall have attached thereto interest coupons for each interest payment. Such bonds and coupons shall bear the date of issuance and be made payable to bearers and all shall be signed by the Chairman of the Board of County Commissioners and attested by the County Clerk and the seal of such bond shall be affixed to each bond but not to the coupon. Said bonds shall be in denominations of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and they shall refer to the improvement district for which the same shall be issued and to the order and record thereof authorizing the same and that it is payable out of the local improvement funds, created by special assessment for the payment of the costs and expenses of such improvement and construction, and not otherwise, and shall bear upon its face the designation of the local improvement district LOCAL IMPROVEMENT DISTRICT NO. IN.....COUNTY, MONTANA. Said bonds shall not be issued in excess of the costs and expenses of the improvements and construction.

Section 20. In case of payment by such special bonds, the county treasurer shall give notice by publication for two consecutive weeks, and shall mail a copy of such notice to the owner of the property assessed in the manner and with the same qualifications as to the giving of such notice provided in this Act with regard to immediate payment, which notice shall state that such assessment roll has been certified to him for collection, and that unless payment of the whole amount of such assessment is made within thirty (30) days from the date of such notice, special bonds shall be issued against said property for the payment of said assessment, and thereafter the same will be payable in annual installments with interest thereon at the rate provided for in said bonds. At any time within such thirty (30) days any owner of lands within such local improvement district may pay the said assessment chargeable against his said lands, and release and discharge the same therefrom and from the operation and effect of such bonds; and no bonds shall be issued until twenty days after the expiration of such thirty (30) days, nor for any amounts of such assessment so paid in

Interest bonds to bear.

Bonds, state manner of execution, denominations, etc.

Limit of amount of bonds.

Duty of county treasurer to give notice in case of payment by special bonds.

Notice to state.

Owner may pay assessment against his land and release same therefrom when.

When bond against specific land may be issued.

full within such thirty days. The owner of any such lands may redeem the same from all liability for such assessment at any time after said thirty days by paying the entire installments of said assessment remaining unpaid and charged against such lands at the time of such payment with interest and all charged thereon to the date of the maturity of the installment next falling due. In all cases where any assessment or any installment thereof is paid as herein provided, the same shall be paid to the county treasurer, and all sums so paid shall be applied solely to the payment of the cost and expenses of such improvement, or to the redemption of such bonds issued therefor if paid after such bonds are issued.

Owner may release land from assessment installments when and how.

To be paid to whom.

Section 21. The special bonds issued under the provisions of this act, or such portion thereof as may remain unsold, if the same are ordered sold by the County Commissioners, may be issued to the contractor constructing the improvement in payment therefor, or the order of the Board of County Commissioners directing the issuance of such bonds may provide that the same may be sold by the county treasurer, in the manner prescribed in such order, at not less than their par value and accrued interest; and the proceeds of such bonds shall be applied in payment of the cost and expenses of such improvement.

To whom bonds may be issued.

Order may direct sale of bonds at not less than par.

Proceeds of bonds.

Section 22. The county treasurer shall pay the interest on the bonds authorized to be issued by this Act out of the funds of the local improvement district collected on assessments on account of which said bonds are issued. Whenever there shall be sufficient money in such local improvement fund against which such bonds have been issued under the provisions of this Act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more of such bonds, he shall call in and pay such bonds in their numerical order. Such call shall be made by publication in the county official newspaper on the day following the maturity date of the installment of assessment or as soon thereafter as practicable, and shall state that special bonds No.....(giving the serial number or numbers of said bonds called) of such local improvement district will be paid on the day the next interest coupons of said bonds shall become due, and interest upon said bonds thus called shall cease upon said date.

Interest on bonds to be paid out of what fund.

When bonds may be called in and paid.

Order of call and payment. How call to be made..

Section 23. If the county treasurer shall fail, neglect or refuse to pay said bonds issued under the provisions of this Act, or to collect promptly any such assessments

Owner may collect or enforce bonds when and how.

May collect what additional sum.	when due, the owner of any such bonds may proceed in his own name to collect such assessments, and to foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such warrants and interest thereon, five per centum, together with the costs of such suit. Any number of holders of such bonds for any single improvement district may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit. Neither the holder nor any owner of any such bond issued under the authority of this Act shall have any claim therefor against the county through the instrumentality of which the same is issued, except from the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on each bond so issued.
Who may join as plaintiffs and defendants in such suit.	
Limit to claim against county.	
Remedy confined to what.	
Copy of section to be printed in bonds.	
Duty of County Auditor or County Clerk to auditing claims against special improvement districts.	Section 24. It shall be the duty of the county auditor, in counties where there are auditors, and in counties where there are no auditors, it shall be the duty of the county clerk, to audit all claims and accounts for services and every kind of expense payable from funds of the local improvement district, when the same shall have been first approved and certified by the committee of supervisors; and when so approved and audited, the county auditor, or county clerk, as the case may be, shall issue to the county treasurer an order, in favor of the person to whom such claim or account is payable, to pay the same, and upon the presentation of such order by the person to whom it was issued, or his assignee, the county treasurer shall pay the same from the funds of such local improvement district provided for the payment of the cost and expenses of such improvement, and not otherwise. Estimates for work done under the contract for the construction and completion of such improvement shall be made by the county surveyor with the approval of the committee of supervisors, and the same shall be likewise audited by the county auditor in counties where there are auditors, or by the county clerk, as the case may be, and, when so made, approved and audited the same shall be likewise paid by the county treasurer upon the order of the county auditor, or clerk, to an amount, however, not exceeding eighty per centum of such estimate during the progress of the work. In case of said assessment being made payable by installments, the county treasurer
Duty of County Treasurer to pay audited claims, when; out of what funds.	
Estimates of work done to be made by whom.	
To be audited.	
To be paid how.	
Limit of per cent to be paid.	

shall pay such order only from such assessments as shall have been collected prior to the issue of such special local improvement bonds and from the proceeds of the sales of such bonds after the issue thereof; but in case it has been arranged with the contractor for the work, and ordered by the Board of County Commissioners, that such contractor shall receive such bonds to pay the contract price of the work, such order of the county auditor, or in counties where there are no auditors, such order of the county clerk upon such approved estimates shall call for such bonds instead of money, and shall be paid in such bonds by the county treasurer, with whom the same shall be deposited for that purpose, and in that case such bonds shall not be given a date prior to the time of their delivery to such contractor upon such order, which date shall be then written in such bonds by the county treasurer and be deemed to be the date of their issue, from which interest shall begin to run and the time at or after which their payment may be demanded by the holder shall be computed. The amounts collected upon the installment payments of such assessments shall be reserved and disbursed by said county treasurer for the payment of the principal and interest on and for the redemption of such bonds. The proceeds from the sale of such bonds shall be disbursed by such county treasurer in payment of the cost and expenses of such construction and improvement of such county road, upon the orders of such county auditor, or in counties where there are no auditors, upon the orders of the county clerk, as hereinabove provided.

Paid from what funds.

Where contractor has agreed to take bonds.

Date of bonds so delivered.

Disbursement of money collected upon installment payments.

Disbursement of proceeds of bond sales.

Section 25. Any money remaining in the county treasury belonging to the funds of such local improvement district, after the payment of the whole cost and expense of such construction or improvement in excess of the total sum required to defray all expenditures on account thereof, including the reimbursement of the county for any advancements, shall be refunded, on demand, to the amount of such over-payment; and if there shall be such an excess in the assessment of any person who shall not have paid his assessment in full a rebate shall, on demand, be allowed to such person to the amount of such over-assessment; Provided, such demand hereinabove provided for be made within two years from the date upon which the assessment for such local improvement district became due. Any such funds remaining in the county treasury after the expiration of two years for which no

Refunding any excess of money collected and not required.

Rebate where assessment has been in excess.

Proviso.

Disposition after two years of funds remaining in county treasury, unused.

demand has been made as herein provided, belonging to any local improvement district, after the payment of the whole cost and expense of such improvement, shall go into the general funds.

Road completed
under this Act to
be deemed a
Main Highway.

Section 26. When a road has been completed under the provisions of this Act, it shall be deemed to be a MAIN HIGHWAY, as not defined by law, and thereafter be maintained as such in the same manner as other highways are maintained.

How Act to be
construed.

Section 27. Nothing in this Act provided shall be construed as repealing or modifying any existing law for the creation, laying out, planning, construction or improvement of any public highway but shall be construed as an additional power and method for the improvement of county roads, and as extending to owners of rural lands an opportunity to secure better highways by charging a part of the costs thereof upon the lands especially benefited thereby, and this Act shall be construed as co-operating and concurrent with the laws provided for the improvement of public highways under the laws of the State of Montana and of the United States.

Section 28. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 29. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 173.

“An Act to Establish and Create a General Fish and Game Law for the State of Montana; to Codify and Arrange All of Said Laws Now in Force Relating to Fish and Game Which are not Repealed or Amended Hereby and Re-enacting Such Laws as are not in Conflict Herewith, to Amend an Act Approved March 9th, 1909, Relating to Hunting and Fishing Licenses; and Repealing Chapter 81, of the Laws of 1909, Relating to the Killing of Certain Animals; to Amend an Act Approved February 25th, 1915, Relating to Licenses and the Time for the Expiration Thereof, and Also to Amend an Act Approved March 13th, 1913, Relating to Game Fish, Known as Chapter 79 of the Laws of 1913; to Amend an Act Approved March 15th, 1913, Authorizing the Sale of Game and Game Birds, Known

as Chapter 100, of the Laws of 1913; and Also to Amend an Act Approved March 3rd, 1915, Concerning Fish Nets, Known as Chapter 60 of the Laws of 1915; to Amend an Act Approved March 5th, 1915, Known as Chapter 76 of the Laws of 1915, Relating to Elk, Rocky Mountain Sheep and Goats; to Amend an Act Approved March 8th, 1915, and Known as Chapter 107 of the Laws of 1915, Relating to Fish and Game; to Amend a Law Approved March 8th, 1915, Known as Chapter 98, of the Laws of 1915, Relating to a Closed Season for All Game; to Amend a Law Approved March 8th, 1915, Known as Chapter 109 of the Laws of 1915, Relating to the Use of Explosives or Poisons for the Purpose of Catching Fish; to Amend an Act Approved March 9th, 1915, Known as Chapter 138 of the Laws of 1915, Relating to the Payment of Costs in the Prosecution of Criminal Cases Under the Game and Fish Laws; and Also for the Purpose of Amending and Re-enacting so Much of the Game and Fish Laws Found in the Revised Codes of Montana, 1907, as May be Found in Sections 8786 and 8789 Inclusive; to Enact a Law Relating to the Trapping of Beaver; Relating to the Appointment of Deputy Game Wardens Under Civil Service Rules, Relating to the Installation of Fish Wheels in Ditches at the Expense of the State, Relating to the Killing and Trapping of Bear, and to Provide a Closed Season Therefor, to Establish a Closed Season on Grouse, Prairie Chicken, Sage Hens, Fool Hens, Pheasants or Partridges. To Establish and Provide for the Management of Fish and Game Preserves in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the passing of this Act it shall be unlawful for any person to fish or hunt within the State of Montana who, by the terms hereof, is required to have a license without first procuring a license of the class required for either hunting or fishing, as the case may be;

Fishing or hunting without a license prohibited.

Licenses for hunting or fishing shall be issued by the authority of the State Game Warden and under his hand from time to time in the manner herein provided and in such form as he may dictate;

Licenses to be issued by whom.

Licenses shall be divided into the following classes:

Classification.

Class A.—A general hunting license or a general fishing license as hereinafter described.

General hunting and general fishing license.

Aliens' license.	Class B.—Fishing licenses for those who are not citizens of the United States of America, or who have not declared their intention to become one.
Non-residents.	Class C.—Hunting and fishing licenses for non-resident citizens, general and limited.
General and limited aliens' license.	Class D.—Hunting and fishing licenses to aliens, general and limited.
Females under 18 and males under 14 years of age.	No license shall be issued to or be required of any female under eighteen (18) years, or any male under the age of fourteen (14).
Licenses must be procured by whom.	All other persons must procure a license before hunting or fishing within the limits of the State of Montana as follows:
Class A. Residents' fishing and hunting license.	(1) A. Class "A" license may be issued to a person who is a bona fide resident citizen of this State, and who desires to hunt, take, kill, catch and have in his possession any of the fish, game birds and wild animals of this State, except coyotes, wolves and mountain lions, upon the payment of One Dollar and Fifty Cents (\$1.50).
Animals excepted.	The intention of this license is to be a general resident hunting and fishing license, and that one-third of such amount shall be used under the direction of the State Game Warden for propagation of game birds and animals in the State of Montana.
Intention of license.	(2) A class "B" license shall be issued to a person entitled thereto upon the payment of Five Dollars (\$5.00).
Game warden may use one-third money for what purpose.	(3) A class "C" license shall be issued to any citizen who is a non-resident of the State of Montana, who desires to hunt, take, kill, catch or have in his possession any of the wild animals, game birds and game fish of this State upon the payment to the State Game and Fish Warden, or any Deputy State Game and Fish Warden, of this State, the sum of Fifty Dollars (\$50.00), and such license shall be a general license which shall entitle the holder thereof to hunt large and big game, small and feathered game, and to catch game fish from the waters of the State, or the sum of fifteen Dollars (\$15.00) for a "limited license" which shall entitle the holder thereof to hunt small and feathered game, and catch fish.
Class B. Aliens license, fee \$5.	NON-RESIDENT FISHING LICENSES: A license to fish in the waters of this State shall be issued to any citizen of the United States, not a resident of the State of Montana, upon the payment of a license fee of Three Dollars (\$3.00).
Class C. Non-residents' license.	
Fee \$50. Limited non-residents' license fee \$15.	
Non-residents' fishing license, fee \$3.00.	

(4) Class "D" License. Any person, except persons who have declared their intention to become citizens of the United States and who own real estate or who have made a bona fide homestead filing on not less than forty acres of land under the United States homestead laws, who is not a citizen of the United States, or who has not declared his intention to become one, who desires to hunt, take, kill, catch or have in his possession any of the wild animals, game birds and game fish of this State shall procure a license therefor, for which license he shall pay to the State Game and Fish Warden, or to some Deputy State Game and Fish Warden, the sum of Fifty Dollars (\$50.00) and such license shall be a general license which shall entitle the holder thereof to hunt large or big game, small and feathered game, and to catch game fish from any of the waters of this State.

Class D. License fee \$50.

Aliens who are required to take out before fishing or hunting.

License to be a general license.

Section 2. Any person who shall fish or hunt in this State without first securing a license therefor, as in this Act provided, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Misdemeanor to hunt or fish without acquiring a license.

Section 3. Before issuing a license, it shall be the duty of the person issuing the same, to ascertain which class of license the applicant is entitled to receive, or desires to purchase, and for that purpose may require of the applicant a written statement in which shall be given all the facts necessary to be known, so that the proper amount may be collected and the proper form of license given to the applicant, and any false statement given in writing shall be deemed a misdemeanor and punished as hereinafter provided. Licenses may be issued upon written application to the State Game Warden, in which shall be stated the name and age of the applicant, his residence, height, weight, color of hair and eyes, occupation and post office address, and whether a resident or non-resident, citizen or not, upon the payment of the amount above stated for the class of license applied for. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Before issuing license officer to ascertain, what.

Written statement which may be required.

Making a false statement a misdemeanor.

License may be issued upon written application, stating, what.

Violation of section a misdemeanor.

Section 4. Any bona fide resident of the State who desires to secure a resident hunting and fishing license without appearing personally before a party issuing the same as provided by law, may secure the same by making written application to any person within his own county issuing such licenses, and by filing the proper blank

Resident may obtain a license by a written statement, how.

	mailed to him by the party issuing such licenses and accompanying the same with the price of said license.
Non-residents, to apply in person.	Any other person than a bona fide resident of this State who secures either a hunting or fishing license, as in this Act provided, shall appear personally before the officer issuing such licenses in order to secure the same.
Application blanks to be furnished residents, when.	Any person issuing a resident hunting and fishing license shall, upon a written request from any resident of the county in which he is issuing such licenses, mail to such applicant an application blank which is furnished by the State Game and Fish Warden, and upon the receipt of such blank properly filled out and accompanied by the cost of said licenses, mail to the applicant a resident's hunting and fishing license, if the party issuing such license is acquainted with the applicant personally, then he may issue such license upon the receipt of the application blank properly filled out and signed by the applicant only, but should such party not be personally acquainted with the applicant, then he shall demand that two taxpayers of his county sign such application blank, certifying that the applicant is a bona fide resident of the State of Montana and of his county under and within the provisions of Section 1977 of the Revised Codes of Montana of 1907. The party issuing the license shall forward such application blank to the State Game and Fish Warden attached to the duplicate license the original of which has been sent to the applicant, at a time and in the same manner as other duplicate licenses are sent to the State Game and Fish Warden. The State Game and Fish Warden is hereby directed to furnish all persons issuing resident hunting and fishing licenses with these application blanks at the same time that licenses are sent out each year. Such blanks shall contain the same description as required on the hunting and fishing license and be in the proper form for the applicant to certify that he is a bona fide resident of the State of Montana within the meaning of this Act, and a resident of the county in which he is applying for such license; said application blank shall also provide for the certification of the same by two resident tax payers of the county whenever it is necessary. Any person who shall falsely certify to any hunting and fishing license or application for the same is guilty of a misdemeanor and is punishable as such.
To mail license when.	
When applicant is not personally known to appear.	
Person issuing license shall mail application to Game Warden with duplicate license.	
Game Warden to furnish application blanks to whom.	
Blanks shall contain what.	
What license shall contain.	Section 5. All licenses shall contain a complete description of the licensee, together with his age, business,

residence and post office address, and shall grant to the owner thereof permission to fish, or hunt and fish, as the case may be, at a time and in a manner not prohibited by law. Every applicant for such license shall, upon applying for the same, state his occupation, residence and post office address, and shall place his signature in ink upon such license in a place designated by the officer issuing the same, which signature must be in the presence of such officer, except as otherwise herein provided. The applicant shall pay the State Game and Fish Warden, or deputy, or the person issuing the license, the sum hereinabove mentioned, and such license, when issued, shall entitle the holder to hunt and fish, or to both hunt and fish, in accordance with the terms of the license held by him.

Applicant shall state, what.

Signature of licensee.

Fee to be paid.

Any non-resident of this State, who shall hunt, take, kill, catch or have in his possession any of the wild animals, game birds or fish of this State, or any part thereof, without having taken out and being at the time in possession of a non-resident's license as provided in this Act, and in the case of large or big game, being entitled by virtue of the same to hunt for large or big game, shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

Misdemeanor for non-resident to fish or hunt without first procuring a license.

All citizens of the United States, who have lived in Montana for six months, all officers and soldiers of the United States Army, and all students at any institution of learning within the State of Montana, shall be deemed resident citizens for the purpose of this Act, as well as all Forest Rangers and officers of the Forestry Department of the United States.

Who to be deemed resident citizens.

Section 6. It shall be unlawful for any person authorized by law to issue fishing or hunting licenses, to issue any temporary receipt, or other evidence of payment of money for a fishing or hunting license to be thereafter issued, and it shall be no defense to any prosecution for fishing or hunting without a license to make such payment or to have such receipt; provided that in all cases when a license is applied for by a person entitled thereto to a person authorized to sell the same, and it is not possible, at the time, to deliver the same, such person shall issue an official receipt, which shall be furnished by the State Game Warden to all persons entitled to issue licenses; said official receipts shall be numbered consecutively, and shall be charged to the account of the Justice

Unlawful to issue temporary receipts or other evidence of payment of fees.

Receipt of payment no defense.

When official receipts may be issued prior to issuing license.

Receipts to be numbered, etc. To be returned when.

Return of unused receipts and stubs.

Violation of section a misdemeanor.

All licenses to expire when.

Laws re-enacted.

Members of Montana Game and Fish commission to remain in office until when.

State Game and Fish commission to consist of whom.

Appointment and term of office.

Commission shall qualify how.

No compensation.

Expenses to be paid how.

of the Peace, or Deputy Game Warden to whom licenses are furnished for issuance; and said receipts, when replaced by licenses, shall be returned to the State Game and Fish Warden, or unused receipts and stubs shall be returned at the end of the year to the State Game and Fish Warden to be credited to the account of persons to whom they have been charged. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished accordingly.

Section 7. All hunting and fishing licenses shall expire on the 30th day of April, next after their issuance. The provisions of this Act shall be construed to apply to all hunting and fishing licenses, including resident citizens' hunting and fishing licenses, Non-Resident Citizens' fishing licenses, General Non-Resident Citizens' hunting and fishing licenses, Limited Non-Resident Citizens' hunting and fishing licenses, Alien fishing licenses, and General Alien hunting licenses.

Section 8. That the Act approved March 8th, 1907, and amended by an Act approved February 11th, 1911, and the Act approved March 4th, 1911, all of said Acts relating to the creation of the Montana State Fish Commission, and prescribing the manner of the appointment of members thereof, and their term of office, be, and the same are hereby re-enacted; and that members of said Montana State Fish Commission shall continue in office for the term, or respective terms, for which they were respectively appointed, and until their successors may be appointed as herein provided, and shall hereafter be appointed, hold office and have authority to act, and shall be governed as herein provided.

Be it further Enacted that from and after the enactment and approval hereof, said Montana Game and Fish Commission shall consist of the State Game Warden and four members whose terms of office shall be four years, to be appointed by the Governor, by and with the approval and advice of the Senate; said appointments to be made from time to time as vacancies may occur.

Section 9. Said Commission shall qualify in the same manner as members of other State Boards, and such Commissioners shall receive no compensation, except actual and necessary expenses while engaged in the discharge of their official duties; said actual expenses to be paid by the State Treasurer upon presentation to him of itemized bills therefor, duly verified as required by law.

Section 10. Said Commission shall annually elect one of their members as chairman, and one member as Secretary, and they shall sign all orders, minutes or documents for the Commission. They shall keep a correct record of all business transacted, and shall make a report biennially to the Governor.

Officers to be elected.

Records to be kept.

Section 11. The Commission herein provided for is authorized, empowered and directed to secure the sites and plans for, and the construction and equipment of any hatchery authorized by law, and to locate the same at any suitable point within the limits of the State, when authorized so to do by law.

Powers, duties and authority of commission regarding fish hatcheries.

Section 12. It shall be the duty of said Commission to procure suitable plans and specifications for any hatchery to be erected under authority of law, and shall cause the same to be built and completed in accordance with such plans and specifications, by contract; said contract to be let after published notice stating the time and place of letting the same, and where plans and specifications may be seen. Said notice shall be published not less than two weeks prior to the time of letting said contract, and said Commission, if not satisfied with the bids received, or for any other reason, may reject any and all bids received and re-advertise as often as may be necessary. Any person to whom a contract may be given shall be required to give a good and sufficient bond, conditioned for the faithful performance and completion of such contract, the same to be approved by the Chairman, or some member of the Commission.

Commission shall procure plans and specifications and cause fish hatchery built when.

Contract to be let.

Notice for bids.

May reject bids.

Contractor's bond.

Section 13. Said Commission shall have general supervision over all hatcheries in the State, and shall appoint and employ a Superintendent or Director of State Hatcheries, who shall act under the control of the State Board. The product of all State Hatcheries shall be used for the stocking of the lakes and streams of the State, and shall be for free distribution under the direction of said Board and said Superintendent or Director.

To have general supervision over fish hatcheries and appoint superintendents.

Products of hatcheries to be used for what.

Section 14. The said Superintendent or Director, by and with the consent of the Board, shall have the power and authority to employ such help as may be necessary in the operation of the state hatcheries in the gathering of eggs, or the performance of any other work in connection with the propagation and distribution of fish and fry; and said Superintendent shall receive for his services the sum of Two Thousand Five Hundred Dollars (\$2,500.00) a year, payable monthly, and reasonable trav-

Duties and powers of superintendent.

Compensation.

Traveling expenses.

eling expenses, not to exceed Six Hundred Dollars (\$600.00) in any one year.

Expenses of commission to be paid how.

Salaries and other bills to be paid when.

Section 15. All expenses of the members of the State Fish Commissioners, while engaged in the work of the State, shall be paid by the State Treasurer, upon presentation of sworn account. The salary of the Superintendent or Director shall be paid without approval, and all other bills and salaries of employees, and expenses incurred in the conduct of the State hatcheries, shall be paid in due course after such bills have been examined and approved by said State Fish Commissioner, and approved and allowed by the State Board of Examiners.

Power of superintendent to purchase eyed eggs.

Section 16. The Superintendent shall have power, by and with the consent of the State Fish Commission, to purchase so many eyed eggs from time to time as may be necessary in order to keep the hatcheries of the State supplied with eggs and in full operation; the quality and kind or species of eggs to be determined by the Superintendent; provided, however, that the Superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State to supply said hatcheries, and for the purpose of so doing, shall have the right and authority to build, equip and use fish traps and nets at any and all seasons of the year in all the public waters of the State.

Effort to collect eggs from public streams and lakes.

To use what equipment.

Power and authority to control waters of lakes and ponds lying within state lands.

Section 17. That from and after the passage of this Act, the State Game and Fish Commission is hereby given the right and authority to control the waters of any lake or pond which may lie wholly within the limits of land owned by the State of Montana, so far as the use of said lake or pond for the breeding and propagation of game fish is concerned. Before such right to control of any such lake or pond shall inure to the State Fish Commission, it shall be necessary for the Chairman of the said Commission to notify the State Land Agent that any such lake or pond is wanted for the purpose herein mentioned, giving a description of the said land by legal subdivision when surveyed or a sufficient general description when not so surveyed, whereupon it shall be the duty of the State Land Agent to make such entry upon his books and maps as may serve as notice to any lessor purchaser of the right claimed by the State in any such lake or pond, and said State Land Agent shall notify any lessor or purchaser or applicant to lease or purchase of the fact that a right to the use of such lake or pond is so claimed, provided, however, that no such right as is

Notice to be given by Chairman of Commission to State Land agent.

Duty of State Land agent.

Right to use lake or pond to continue until when.

hereby given shall continue for more than one year after such land is leased or held by the State, and provided, further that should it be found that the right to the control of any such lake or pond theretofore granted lessens the value of said land or prevents the ready lease or sale thereof, that then and in that event the rights hereby granted to the State Game and Fish Commission may be terminated upon giving sixty (60) days' notice of such termination to the Chairman of the State Game and Fish Commission.

When right to control lessens value of land.

Section 18. The Montana State Fish Commission is hereby authorized and empowered to select and to install at the expense of the State of Montana in ditches diverting water from streams or rivers in Montana, containing game fish, a screen wheel to prevent such fish from entering or leaving said ditches. Provided that not more than ten of such wheels shall be installed in any one year, nor any greater amount of money expended than has been appropriated for that purpose in that year, and provided further that when such wheels have been installed it shall become the duty of the owner or owners of said ditch to keep the same in repair, and in continuous operation during the time when water flows into such ditch.

Commission authorized to select and install a screened wheel in ditches when and where.

Limit to number of wheels to be installed in one year.

Duty of owner to keep wheel in repair.

Section 19. That whenever the term "game fish" is used in this Act it shall be held and construed to mean the following named varieties of fish, to-wit:

Term "Game Fish" to mean.

Mountain Trout (*Salmo Clarkii*.)
 Rainbow Trout (*Salmo Irrideus*.)
 Eastern Brook Trout (*Salvelinus Fontinalis*.)
 Grayling (*Thymallus Montanus*.)
 Rocky Mountain Whitefish (*Coregonus Williamsoni*.)
 Steelhead Trout (*Salmo Rivularis*.)
 Quinnot Salmon (*Oncorhynchus-Tschawytscha*.)
 Black Bass (*Micropterus Salmoides*.)
 Dolly Varden Trout (*Salvelinus malma*.)

Section 20. It shall hereafter be unlawful for any one person to catch from the public waters of this State more than twenty-five (25) pounds of any of the varieties of fish designated herein as 'game fish,' or more than ten (10) of any such 'game fish' which are less than six (6) inches in length in any one day.

Limit to number of fish one person may catch in one day.

Small fish.

It is hereby declared to be the intention of this Act to provide that twenty-five (25) pounds of all or any of the 'game fish' over six (6) inches in length and ten

Intention of the Act as to limit.

(10) fish less than six (6) inches in length shall constitute the limit for a day's fishing.

Unlawful to be in possession of more than 25 pounds of fish at one time.

Misdemeanor.

It shall be unlawful for any one person to be in possession of more than twenty-five (25) pounds of any kind of 'game fish' at any one time.

Any person violating the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor and punished accordingly.

Unlawful to catch game fish for market, or to sell or offer for sale, or the eggs or spawn thereof.

A misdemeanor.

Section not to apply to what.

Section 21. Every person who in any way catches any of the fish which in this Act are classified as 'game fish' or who shall remove or cause to be removed the eggs or spawn from any of such fish for speculative purposes, for market or for sale, or who shall sell or offer for sale any of the game fish of this State as in this Act defined, or the eggs or spawn therefrom, shall be deemed guilty of a misdemeanor and shall be punished accordingly; provided, however, that this Section shall not apply to fish caught in private ponds by the owner thereof nor to the taking of fish by the State authorities for the purpose of obtaining the eggs for propagation in State Fish Hatcheries, or by any person who receives a permit from the State Fish Commission to take eggs for said purposes.

Unlawful to catch fish other than with a line, pole and hook, or to use poisoned bait.

Other unlawful means.

When seine may be used.

Section 22. Every person who takes or catches fish in any of the streams, lakes or ponds of this State, except with a pole, line and hooks, or any person who takes or catches fish with a hook baited with any poisonous substance, or by means of dams, or by the use of fish-traps and grab-hooks, seines, or similar means for catching fish, is guilty of a misdemeanor. It shall be, however, lawful to use a seine in the Missouri River, and also in the Yellowstone River, except in that portion of said river above its confluence with the Big Horn River; provided, said seine has a mesh not less than one and one-half inches square.

Seine mesh.

Where the use of seine of less than 2½ inch mesh is unlawful.

It shall be unlawful, however, to use a seine of less than two and a half (2½) inch mesh in the following waters: Lake Francis in Teton County, and Lake Boudoin in Phillips County, and in the Pend d'Oreille River and Clark's Fork of the Columbia. All fish so taken by seine, except suckers, German carp, Lake Superior whitefish and squaw fish, shall be returned to the waters from which they are taken, uninjured. Any person desiring to use a net or seines for the purpose of catching fish, not herein designated as 'game fish' in any of the lakes, ponds, rivers or streams above mentioned, shall make application to the State Game Warden for a license so

All fish taken by a seine shall be returned to the stream, excepting.

Application for license to use a net or seine.

to do, stating thereon the lake, river, pond or stream in which applicant wishes to catch fish by use of said net or seine; whereupon the said State Game Warden may, in his discretion, and upon the payment of a license fee of Five Dollars, (\$5.00), issue to the applicant a license authorizing said applicant to use one seine in any of the rivers, streams, ponds or lakes above mentioned, as applied for. And the State Game Warden shall issue with each license a metal tag, having a number thereon, corresponding with the number of the license issued to said applicant, which shall be, by the licensee, attached to the seine so used, and shall remain on said seine during the time of use, and it shall be unlawful to use any net or seine unless said tag is attached, as herein provided, and parties thus engaged must have the necessary license. Said license shall authorize the person to whom issued to use the same for the purpose of catching and selling, within the limits of the State of Montana for consumption therein, any fish not herein named as 'Game Fish.' And the licensee shall make monthly reports of fish caught to the State Game Warden. The license herein provided for may be issued and remain in force for the term of one year from and after the date of issue, and shall authorize the holder to ship fish to any point within the State, and may, for cause, be revoked at any time by the State Game Warden.

Application to state.

When license may be issued.

License fee.

Metal tag which shall be attached to seine.

Unlawful to use net or seine without.

License shall authorize what.

Monthly reports of fish caught.

To authorize shipment of fish.

Said license shall be in substantially the following form:

License to Net Fish, No.....

Office of State Game Warden, Helena, Montana.

This will certify that I hereby license.....
of.....County of....., State of
Montana, to take by means of a net, fish from the waters
of that certain lake, river, stream or pond known as and
called.....in.....County, Mon-
tana, for a period of one year; and that when said fish
are so taken, that the said.....may ship
the same to any point within this State.

Form of license to use seine.

This license allows the taking of fish by means of a net having not less than two and one-half (2½) inch mesh, barring gill and hemmel nets in the waters above named; and that all fish defined by the law of Montana as 'game fish' shall be returned to the waters from which taken without injury.

Witness My Hand this.....day of.....

State Game Warden.

To apply to what laws.

The provisions of this Section shall be construed to apply to and amend Section 2, Chapter 79, Laws of 1913.

Misdemeanor.

Any person violating the provisions of this Section upon conviction, shall be guilty of a misdemeanor, and punished accordingly.

Record of fish net license.

Section 23. It shall be the duty of the State Game Warden to keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of the applicant, the date of issue, the waters to be used in, and when revoked (should same be so revoked) and to pay all fees received for such licenses into the State Treasury to the credit of the Fish and Game fund.

No license shall be issued to a person whose license has once been revoked.

Should an application be made for a license by any person who has theretofore had a license revoked for cause, it shall be the duty of the State Game Warden to refuse the same, and no license shall be issued to any person whose license has been revoked for cause.

Rights of owner of private lakes or ponds.

Section 24. That any person who has or owns a lake or pond, or who owns or controls the land entirely surrounding such lake or pond, may take fish for spawning purposes therefrom to be used in stocking the same, and any person who has heretofore, or who shall hereafter cause the said lake or pond to be stocked from year to year and every year for not less than three years, with not less than two thousand fry for every acre of the superficial area of such lake or pond, shall have the right and privilege, under the terms and restrictions of law to take from said lake or pond in any manner, except by the use of poisons or explosives the fish contained therein, and to sell and dispose of the same as well as the eggs and fry so taken; PROVIDED, HOWEVER, that any such owner or holder of a lake or pond shall sell or offer to sell at the going market price, to the State of Montana, any eggs or fry, over and above the amount required to re-stock such lake or pond to the extent required by this Section, AND PROVIDED that nothing herein contained shall be construed as forbidding the general public from lawfully fishing in, and taking trout caught from said pond, except that when the land entirely surrounding said pond is owned in fee by the person stocking same that the law with reference to trespass upon land shall and may be applicable thereto. PROVIDED FURTHER, that such owner shall procure a license as herein provided and shall furnish a good and sufficient bond to the State of Montana in the sum of Two Hundred Dollars. (\$200.00) conditioned to the effect

Shall sell surplus eggs or fry to state at what price.

Act does not forbid public fishing in private lakes or ponds.

Owners of private lakes or ponds to take out a license and give bond to state. Condition of bond.

that he will not sell fish caught in any of the public waters of this State, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond and sold from and planted in said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year.

It shall be the duty of the State Game Warden upon application made, and when satisfied that the person applying therefor is entitled thereto, to issue a license in such form as may be adopted by him to any person so entitled under the provisions hereof upon the payment of the sum of Five Dollars (\$5.00) the said license to be renewed annually, upon the payment of a like fee, so long as the person applying therefor shall continue to stock said lake or pond as herein provided. Any license issued hereunder may be revoked by the State Game Warden at any time, should the person to whom the same has been issued be convicted of a violation of the laws of Montana, with reference to the protection of fish and game.

License to owners of private fish ponds or lakes.

License fee.

License may be revoked when.

Section 25. It is unlawful for any person or persons to have in their possession or under their control any seine, net or other similar device for capturing fish. A seine or net found in any vehicle, at the camp, or on the premises of any person shall be prima facie evidence that the said seine, net or similar device belongs to the person or persons in possession of such vehicle, or the person or persons occupying said camp or premises; provided that nothing herein contained shall apply to the owners of private fish ponds as defined under the statute, nor to a person or persons having unexpired seine or net license as provided for in the Statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person, of a landing net used in connection or in addition to pole, line and hooks, in fishing for game fish.

Unlawful to have any seine, net or similar device.

Possession of such prima facie evidence of what.

Provisions not to apply to whom.

Not applicable to landing nets.

Any person or persons convicted for a violation of this Section shall be deemed guilty of a misdemeanor and punished accordingly.

Misdemeanor.

Section 26. If any person or persons shall use any giant powder or other explosive compounds, or any corrosive or narcotic poison, or other deleterious substance for the purpose of catching, stunning or killing fish, he

Felony to use giant powder, etc. to catch, kill or stun fish.

shall be deemed guilty of a felony and upon conviction thereof shall be punished accordingly.

Fish way or ladder required on dams when.

Section 27. There shall be constructed at all dams now existing, or any that may be hereafter constructed on any of the streams of the State, when such is considered necessary by the State Game Warden, a fish-way or ladder to conform to the plans to be furnished by the State Game Warden. Any person or corporation who shall violate the provisions of this Section shall be guilty of a misdemeanor and punished accordingly.

Misdemeanor.

Unlawful to dump sawdust, bark or shavings, oil, ashes, etc. in any stream, pond, lake or river, or near same.

Section 28. No person or corporation operating a saw mill on or near any stream, pond, lake or river shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted or deposited, sawdust, bark, shavings, oil, ashes, cinders or debris in or near any such stream, pond, lake or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and upon conviction, punished accordingly.

Misdemeanor.

Establishing stations for taking eggs of game fish.

Section 29. The State Game and Fish Warden or the Superintendent of State Hatcheries is hereby empowered and directed to establish, on the shores of lakes and the banks of streams, at such necessary and suitable places as may be designated by the Superintendent of State Hatcheries, stations for the taking of the eggs of all game fish for the use of the State of Montana. In the order of establishing such stations, it shall be the duty of the State Game Warden to designate in the order the approximate boundaries of the station so established, not more than one mile in length along the banks of any stream, and not more than one mile along the shores of any lake and shall post notices in conspicuous places on or along said station, warning all persons not to fish in the designated territory for a length of time to be designated within the months hereinafter stated.

State Game Warden to establish approximate boundaries of stations.

Notices to be posted not to fish.

Permits to take the eggs or spawn of fish to be issued when.

The State Game Warden shall also have authority to issue permits limited in duration to sixty (60) days for the taking of eggs or spawn from fish in any of the public waters of the State whenever such eggs or spawn are so taken for sale to the State of Montana, but it shall be unlawful for any person having or procuring such a permit to sell or dispose of any such eggs or spawn to any person except the State of Montana acting through the Superintendent of Hatcheries, or the State Game Warden.

Unlawful to sell to other than the state.

Any person found fishing within the limits of such egg-taking station, shall be deemed guilty of a misdemeanor and may be immediately arrested by person in charge of the station, or by any citizen, with or without a warrant, and immediately taken before a magistrate for trial and punishment, and such person, upon conviction thereof, shall be punished accordingly, provided, however that the station for the taking of eggs of Eastern Brook Trout shall only be established or permits issued during the months of October, November and December, of each year, and stations for the taking of eggs of Grayling, Mountain, Rainbow or Steelhead Trout shall only be established during the months of March, April, May and June of each year.

Section 30. That any person who, between the first day of December and the first day of October of the following year, wilfully shoots, wounds or kills, or causes to be shot, wounded, or killed, any Elk, or who wilfully leaves that portion of an Elk suitable for food, after removing the head or teeth thereof, or who, in the open season, shall shoot, wound or kill, or cause to be shot, wounded or killed, more than one Elk, shall be guilty of a felony and punished accordingly, provided, however, that in the counties of Beaverhead, Madison, Gallatin, Park, Sweet Grass, Stillwater, and Carbon the closed season for elk provided for in this section, shall begin on December fifteenth instead of December first; provided, however, that upon application to the State Game Warden a special permit may be granted to kill not more than two elk in the counties of Park and Gallatin, and the license therefor shall be Twenty-five (\$25.00) Dollars in addition to the license as provided in this Act.

Section 31. It shall hereafter be unlawful to hunt, for, shoot or kill, or cause to be shot or killed, any elk within the limits of the counties and the territories hereinafter described, and which are designated hereby as "preserves for Elk," the same to remain closed until thrown open by authority of law, to-wit:

The following named counties as a whole: Lewis & Clark, Jefferson, Silver Bow, Deer Lodge, Broadwater, Cascade, Fergus, Musselshell, Meagher, Choteau, Hill, Blaine, Fergus, Valley, Sheridan, Yellowstone, Big Horn, Custer, Fallon, Prairie, Wibaux, Rosebud, Dawson, Richland, Mineral, Sanders, Toole, Granite, Beaverhead and Ravalli.

Misdemeanor to fish within station boundaries.

Arrest without warrant.

Penalty.

When stations to be established or permits issued to take eastern brook trout.

For taking eggs of grayling, mountain trout, rainbow and steelhead trout.

October and November open season for killing elk.

Leaving carcass after taking the head or teeth; killing more than one elk in one season.

A felony.

Closed season in certain counties named to begin December 15th.

Special permit may be granted to kill not more than two elk in Park and Gallatin counties.

License for permit.

Counties and territory in which it shall be unlawful shoot or kill any elk hereafter.

So much of the Counties of Missoula and Powell described as being those portions of said Counties lying west of the North Fork of the Big Blackfoot River, and north of the main Blackfoot River, west of the confluence of the two streams, and also that portion of the said Counties, drained by the waters of the Big Fork of the Flathead River, and also those portions of Missoula County lying east of Belmont Creek from its source north of the Big Blackfoot River and east of the confluence of the said Belmont Creek with the Big Blackfoot River at the West end of Nine Mile Prairie; and also that portion of Missoula County drained by the streams flowing into the Swan Lake; also so much of the County of Beaverhead as lies west of the main line of the Oregon Short Line Railroad.

Open season for killing deer: October and November.

Unlawful to shoot, wound or kill during closed season, or kill more than one deer during one season.

Misdemeanor.

No deer can be killed before October 1922, in counties named in clause.

Unlawful to kill or capture Rocky Mountain sheep or goats before October, 1922.

A misdemeanor.

Unlawful to kill or capture any moose, bison, buffalo, caribou or antelope within this state.

Section 32. Any person who shall, between the first day of December of any year and the first day of October of the following year, wilfully shoot, wound, kill or capture, or cause to be shot, wounded, killed or captured, any deer, or who in the open season of any calendar year shoots, wounds, kills or captures, or causes to be shot, wounded, killed or captured more than one deer, is guilty of a misdemeanor and upon conviction shall be punished accordingly, providing that the season for hunting under the provisions of this Section will close in Flathead and Lincoln Counties on the first day of December of any year.

It shall be unlawful for any person to shoot, wound, kill or capture or cause to be shot, wounded, killed or captured, any deer within the counties of Yellowstone, Rosebud, Custer, Richland and Dawson before October 1st, 1922.

Section 33. That it shall be unlawful to kill or capture at any place within the State of Montana any Rocky Mountain Goat or Rocky Mountain Sheep before the first day of October, One Thousand Nine Hundred Twenty-two (1922); any person who violates the provisions of this Section shall be guilty of a misdemeanor and punished accordingly.

Section 34. Any person who wilfully shoots or kills, or captures or causes to be shot or killed or captured, any moose, bison, buffalo, caribou or antelope, (and it is hereby made unlawful to kill any of said animals except as hereinafter stated) is guilty of a misdemeanor and shall be punished accordingly.

Section 35. Any person who wilfully shoots or kills, or causes to be shot or killed, any quail, Chinese Pheasant, Hungarian Pheasant or turtle dove, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Killing of Chinese pheasants, Hungarian pheasants and turtle doves forbidden.

Misdemeanor.

Section 36. Any person who hunts, chases or runs with dogs any deer, elk, moose, buffalo, caribou, antelope, bear, mountain sheep, or mountain goat, shall be guilty of a misdemeanor and shall be punished accordingly.

Chasing or running with dogs any deer or other wild game animals or bear, a misdemeanor.

Section 37. That any person who shall wilfully catch, trap or otherwise restrain, for the purpose of sale or domestication or any other purpose, any buffalo, elk, moose, or mountain sheep or goats within the State, shall be deemed guilty of a misdemeanor and be punished accordingly.

Catching, trapping or restraining for sale or domestication any buffalo, elk, moose, mountain sheep or goat a misdemeanor.

Section 38. Before any person shall be allowed to so hunt for, trap, shoot or kill beaver he shall apply for and receive from the State Game Warden, a special license and pay therefor into the State Game and Fish Fund, the sum of Ten Dollars. In the application for a license the applicant shall state his name, place of residence and the County and locality therein where such hunting for, trapping, shooting or killing is to be done, which facts must be stated in the license issued.

Special license to trap or kill beaver.

License fee.

Application for shall state what.

It shall hereafter be unlawful to kill beaver within this State except as hereinafter provided:

Unlawful to kill beaver except when.

Provided that any taxpayer or bona fide owner of real estate in this State, may upon his own premises, or upon the right of way of his own ditches and trees, at any time kill or cause to be killed beaver when necessary for the protection of his dams, irrigating ditches and trees, and to prevent the overflowing of water upon his premises.

Killing upon ones own property for protection of dams, ditches, etc.

It is further provided, that it shall be the duty of the owner of the premises, or his duly authorized agent in charge of such premises when any beaver have been caught or killed, as provided in this Act, that the owner, or his duly authorized agent in charge of the premises on which said beaver were caught or killed, to make written report to the State Game and Fish Warden or his duly authorized deputies within thirty days after such beaver were caught or killed, stating the number of beaver so caught or killed and the location of the property where said beaver were caught or killed.

Report of beaver killed on ones own premises, to be made when and to whom.

Permit to ship
or sell the skins.

Provided further, that when it is shown to the State Game and Fish Warden by said report, as provided in this Act, that he is the owner of, or duly authorized agent in charge of said property, that the State Game and Fish Warden shall issue a permit to the owner of the premises upon which the beaver were caught or killed to ship or sell the number of beaver skins as shown in his report.

Report of the
sale of beaver
skins.

It is further provided, that it shall be the duty of each and every person after he or she has sold the skins of such beaver to make written report to the State Game and Fish Warden giving the number of skins sold, and the name of the party sold to.

When Game
Warden may
issue permit to
kill beaver upon
open land and
game preserves.

It is further provided, that the State Game and Fish Warden shall have the power to authorize the killing of beaver at any time upon open lands and Game Preserves when he shall deem it necessary to prevent the building of dams which would interfere or prevent fish from traveling up or down such streams where such dams shall be built; and further that the State Game Warden shall have authority to authorize the killing of beaver when they are causing damage upon the right of way of county roads.

Violation of pro-
visions a misde-
meanor.

Provided further, that all skins of beaver so taken by the State Game and Fish Warden and the proceeds paid into the Fish and Game Fund.

Open season for
killing grouse,
prairie chicken,
fool hens, pheas-
ants, sage hens,
partridge, from
September 15 to
October first.

Any person, or persons, violating the provisions of this Act shall be deemed guilty of a misdemeanor.

Number one may
kill in one day.

Section 39. Any person who between the first day of October of any one year and the fifteenth day of September of the following year wilfully shoots or kills or causes to be shot or killed any grouse, prairie chicken, fool hen, sage hen, pheasant, or partridge, and who, during the open season in any portion of the State of Montana, shoots or kills or causes to be shot or killed more than five grouse or prairie chicken or fool hens, sage hens, pheasants or partridges in any one day or who shall have in their possession more than a total of five birds at any one time, shall be guilty of a misdemeanor and punished accordingly.

From September
15th to December
first the open
season for killing
wild geese, duck,
brant and swan.

Section 40. Any person who, between the first day of December of any year and the fifteenth day of September of the following year, wilfully shoots, kills, or captures, or causes to be shot or killed or captured, any wild geese, wild ducks, brant or swan, or who shall during the open season shoot or kill or cause to be shot or

killed more than twenty (20) wild ducks in any one day shall be guilty of a misdemeanor and punished accordingly.

Number of duck which may be killed in one day.

Section 41. Every person, who wilfully shoots, or otherwise kills or causes to be killed, any meadow lark, blue bird, thrush, oriole, wood-pecker, mocking bird, gold-finch, snow-bird, cedar-bird, stork, or any other of the small birds known as singing birds is guilty of a misdemeanor and shall be punished accordingly.

Song and other birds which unlawful to kill.

Section 42. Any person who shall wilfully destroy the nests or carry away the eggs from the nests of any of the birds or wild fowls mentioned in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Destroying nest or eggs.

Section 43. The possession of the dead bodies or any part thereof, or any of the birds or animals mentioned in this Act shall be prima facie evidence that such person or persons is or are guilty of killing the same.

Possession of dead body.

Section 44. Whenever hereafter it becomes necessary for the State Game Warden to appoint a paid deputy warden in any part of the State of Montana, such appointment shall be made under civil service rules, said rules to be promulgated by the Montana State Fish Commission and shall embrace an investigation of the character, habits and qualifications of the applicant, as well as the knowledge of the applicant of the game and fish laws of the State and the duties and responsibilities appertaining to the office of Deputy Game Warden. No appointment of a Deputy Game Warden shall be made until a certificate shall be issued to the applicant by the Montana Game and Fish Commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of his office.

Appointment of deputy game wardens to be made civil service rules.

Rules to be promulgated by whom.

No appointment to be made until when.

Section 45. The Game Warden, or any deputy, as well as all peace officers, shall have power to search any person and to examine any tent, boat, conveyance, fish basket, game bag, or game coat, or any other receptacle for game or fish, when he has reason to believe that he will thereby secure evidence of a violation of the law. The State Game Warden, or any of his deputies, shall at any and all times, have the power and authority to seize and take possession of any and all birds, animals or fish, which have been caught, taken or killed at any time, in a manner or for a purpose contrary to law, and such search and seizure may be made without warrant.

Power of game wardens to search persons and places for game or fish.

Power of game wardens to seize fish and game caught or killed contrary to law.

Duty of game wardens and all peace officers to enforce game and fish laws.

Section 46. It shall be the duty of the State Game Warden and his deputies, as well as of all peace officers of the State, to discover and make complaint and cause proceedings to be instituted against any and all persons who violate the law with reference to the protection of fish and game in this State, and in all cases no bond for costs shall be required, but all such cases shall be prosecuted by the County Attorney of the proper county at the cost of the State.

Sale of all birds, fish and game and parts thereof seized by any officer.

Section 47. All birds, animals, fish, heads, hides, teeth or other parts of any animal seized by any officer as herein provided, shall be sold, under the direction of the State Game Warden, or his deputies, at a time, place and manner so as to receive the highest price therefor. Such sales shall be made at public auction to the highest and best bidder, and the Game Warden, or his deputies, shall give notice of the time and place of such sale, together with a description of the bird, or birds, fish, animal or animals, or parts or portions of animals to be so sold by one publication, at least, in a newspaper of general circulation published in the county where such sale is noticed to be held, and the date of sale shall not be less than five, nor more than thirty days after the last date of such publication; provided, that in cases where the property seized is perishable, the same may be sold by such officers without publishing a notice thereof, upon such public notice, and under such terms and conditions as, in the discretion of the officers, may seem conducive to secure the full value thereof.

Shall be at public auction.

Notice of sale.

When to be sold without notice.

Certificate to be issued upon sale.

Section 48. Upon the sale of such property, the officer shall issue a certificate to the party purchasing the same, certifying that the purchaser has the legal right to be in possession of the same, and any one so acquiring said property with the State shall have the right to deal therewith without further question with respect to violation of the law, anything herein contrary notwithstanding.

Disposition of proceeds of sale.

Section 49. The money obtained upon the sale of such property shall be paid over to the Court before whom the person having the same in possession at the time of seizure is prosecuted, or in which prosecution is pending, and if the person charged with violation of the law is found guilty before said Court of violation of the Fish and Game laws of the State, the money received for the sale of said property shall be paid over to the State Treasurer, and be deposited by him to the credit of the

Fish and Game Fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the Fish and Game Laws of this State, said money shall be paid to the party from whom said birds, animals, fish, or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure or sale as herein provided. Where wild animals, game birds or fish are seized as in this Act provided, and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds or fish, shall be paid direct to the State Treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the Fish and Game Fund.

No officer liable for search, examination, seizure or sale.

Disposition of proceeds of sale when person who killed or captured game cannot be ascertained.

Section 50. It shall be, and is hereby made, the duty of the State Game Warden, and of every Deputy Game Warden, to make a full and complete record of all property by them, or either of them confiscated because of a violation of the Game and Fish Laws of this State, showing in detail a description of the property, the person from whom it was confiscated, the price received therefor upon public sale, and the disposition of the money. The State Game Warden shall keep in his office a permanent record showing all property confiscated by him, or any of his deputies, and the disposition made thereof under the provisions of this Act.

Records of property confiscated.

Section 51. It is hereby declared to be unlawful and it is prohibited for any person or persons to ship or take out of the State any of the birds or game animals, or any part thereof, which are mentioned in this Act, except the same be done in the manner provided for herein, and in conformity to the law with reference thereto.

Shipping of birds or game out of state prohibited except when.

Section 52. Permit to resident to ship game or birds. Any resident of this State who desires to ship out of the State any of the animals, or parts thereof, mentioned in said Act during the open season for the killing of the same, the same having been killed lawfully, shall first procure a permit from the State Game and Fish Warden. said permit stating the name of the consignee and consignor, destination, and number and kind of game that is to be shipped, and said permit shall be presented to the transportation company with the consignment of game.

Residents of state must first obtain permit to ship out of state.

Permit to state.

Section 53. Any non-resident of this State who has procured a hunter's license, and who desires to ship out of the State any of the animals, or any part thereof,

A licensed non-resident may ship out game lawfully killed hew.

mentioned in this Act, during the open season for killing the same, the same having been killed lawfully, shall present to the transportation company his license, with the consignment of game to be shipped, provided that no person shall ship in one year more game than it is lawful for one person to kill in a single open season.

Labeling of packages.

Section 54. It is required that all packages containing fish or game shall be labeled in plain letters on the address side of the package, so as to disclose the contents thereof.

Violation of Act by common carrier.

Section 55. Any person or persons, transportation or common carrier company, agent, servant or employee of any transportation or common carrier company, who shall violate any of the provisions, or any part thereof, contained in this Act, shall be guilty of a misdemeanor and punished as such. All game shipped or had in possession in violation of any of the provisions of this Act may be seized, confiscated, and disposed of, as provided by law.

Game shipped or had in violation of Act to be confiscated.

Misdemeanor to knowingly receive for shipment fish unlawfully captured.

Section 56. Any person or persons, or the agent of any stage, express or railway company, or association or persons who shall receive, for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this Act, knowing or having reason to know or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly, provided, however, that any person having in his possession a fishing license for the current year, may ship not to exceed twenty-five (25) pounds of game fish by express, stage, or freight, upon showing said license to the agent of any carrying company.

Person having a license can ship fish by showing same.

Fee for shipping permit out of state.

Section 57. The State Game and Fish Warden shall hereafter make a charge of Fifty (50) Cents for each and every shipping permit issued by him for the shipment of game or parts thereof out of the State. All money so received shall be turned over by him to the State Treasurer at the time and in the manner prescribed by law and the State Treasurer shall place such money to the credit of the Fish and Game Fund.

Disposition of money.

Unlawful for any merchant, hotel or restaurant keeper to sell game or fish killed within state.

Section 58. It shall be lawful for any merchant, hotel or restaurant keeper to have in his possession, and to offer for sale, and to sell game and game birds, provided that said game and game birds are not, and have not been killed within the State of Montana.

Section 59. It shall be the duty of every merchant, hotel and restaurant keeper having in his possession and offering for sale any game or game birds, to produce upon demand, for the inspection of any game warden or deputy game warden or sheriff, the receipt or record and shipping and transportation receipts required hereby to be kept by him, and a failure or refusal to produce the same upon demand, coupled with the possession and offering for sale of game or game birds, shall constitute prima facie evidence of the violation of this Act.

Merchants, hotel and restaurant keepers to produce shipping receipts, etc.

Failure to produce same prima facie evidence of what.

Section 60. It shall be the duty of every person having in his possession and offering for sale any game or game birds, to keep a record showing the amount and kind of game and game birds received by him, together with shipping and transportation receipts showing the true time and place of shipment of said game and game birds, and the name of the person shipping same, provided, however, that any merchant in Montana selling game or game birds, to any hotel or restaurant keeper or other person shall, in addition to the record and receipts heretofore required to be kept by him, keep a record of the date of sale, kind and amount of game or game birds and the name of the purchaser; and provided further, that in the case of hotel and restaurant keepers, or other persons buying game or game birds from a merchant within the State of Montana, a receipt from the said merchant showing the date, amount and kind of game or game birds purchased shall be sufficient evidence of compliance with the provisions of this Act by such hotel or restaurant keeper or other person.

Record to be kept by every person having in his possession and offering for sale any kind of game, and the transportation receipts, etc.

Records of sales to hotel and restaurant keepers.

What shall be sufficient evidence of complying with law by such hotel, etc., keepers.

Section 61. Any person who shall have in his possession and offer for sale, or sell any game or game birds without having complied with the provisions of this Act relating to the keeping of a record and shipping and transportation receipts, shall be guilty of a misdemeanor and punished accordingly.

Misdemeanor to have in possession and offer for sale game without complying with law.

Section 62. In the construction of this Act the words "game" and "game birds," or parts of the same, the killing of which is restricted or forbidden by the laws of Montana; and the words "merchant," "hotel and restaurant keeper," shall include each and every manager, servant, agent and employee of any such person.

Construction of words "Game" and "Game birds."

"Merchant," "hotel and restaurant keeper" shall include whom.

Section 63. It is hereby made unlawful for any person to sell or offer to sell any of the birds or animals, or any part thereof, mentioned in this Act, and any per-

Unlawful to sell or offer for sale any of the birds or animals mentioned in Act.

son so offering to sell or selling the same shall be guilty of a misdemeanor and punished accordingly.

Word "Sale" as used in certain laws shall mean.

Section 64. That the word "sale" as used in the Statute Laws of this State touching the sale of Game and Fish, the sale of which is prohibited by law, does and shall be considered to mean:

1. A contract by which, for a pecuniary consideration called a price, one transfers an interest in either Game or Fish.

2. A contract by which, for an article or thing of value, one transfers, barter or exchanges an interest either in Game or Fish.

Misdemeanor for common carriers or their employees to receive or offer for sale fish or game when.

Section 65. Any person or persons, agent or employees, of any stage or express company, or railroad company or association of persons, who shall receive for transportation or carriage, or shall sell or offer for sale, fish or game that have been taken or killed contrary to the provisions of this Act, knowing or having reason to believe that such fish or game were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Guides required to have a license.

Section 66. No person shall engage in the business of guiding, as the term is commonly understood, without first having procured from the State Game and Fish Warden, a guide's license. Any competent person, who is a bona fide citizen of the State of Montana, shall upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed by three tax payers of the county in which the applicant lives; and by the applicant signing the oath of office of a Deputy State Game Warden, and making the payment of Ten Dollars to the State Game Warden, receive from him a guide's license, which shall be good for one year only; provided that upon payment of ten dollars annually said license may be renewed. Such license shall state the name, age, and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character. Every person acting as a guide in this State shall be a deputy State Game Warden, and shall file with the State Game Warden his oath of office as such Deputy Game Warden, but shall receive no compensation from the State in any way for such services, other than the consideration above mentioned.

Qualification and proofs required.

Oath of office. License fee.

License may be renewed how.

Contents of license.

Guides shall be deputy game wardens without pay.

Section 67. Any person violating any of the provisions of this Act who shall act as a guide without the necessary qualifications and without the proper compliance with the terms hereof shall be guilty of a misdemeanor and be punished accordingly; and in all cases where a conviction is had the license theretofore issued shall be revoked.

Acting as guide unlawfully, a misdemeanor.

Section 68. Any person who shall, for pay, aid or assist any person or party, in locating, pursuing, hunting or killing any of the game birds or animals mentioned in this Act, shall be deemed a guide within the meaning of this Section.

License revoked when.

Who deemed a guide.

Section 69. Any person who shall engage in the business of packing for hunting parties, as the term is commonly understood, or who, shall, for pay, accompany such parties as guide, packer, or cook, shall be considered a guide and shall come within the requirements of this Act: provided, however, that it shall be necessary only for one of the persons above named with each and every hunting party to have fulfilled the requirements of this section.

Persons accompanying hunting parties as packer, cook or guide for pay shall be deemed a guide.

Proviso.

Section 70. Whenever a guide is employed by any person or party, such guide shall at the expiration of the period of the time for which he was employed, make a written statement to the State Game Warden, stating the number of days he was employed, the number of persons guided, their names, residences, and the number of each kind of game killed, and if non-residents, the number of their license.

Statement to be by every guide.

Section 71. Any person acting as a guide for any person or party shall be equally responsible with such person or party, for any violation of the law, any such guide who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as hereinafter provided.

Guide accompanying party equally guilty for violation of the law.

Liability of guide failing to make report.

Section 72. Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any of the birds or animals, or any part thereof, mentioned in the game laws of this State, must first obtain from the State Game and Fish Warden a Taxidermist's license, such license to be taken out annually. Such person shall, on the first day of each month, make a

Who shall obtain a taxidermists' license annually.

Taxidermist monthly report.

written report to the State Game and Fish Warden, of all the articles of Game, the kind and number of each, by whom owned, and residence of owner, received during the past month, also of all the articles of game shipped and to whom and where shipped during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address.

Misdemeanor not to obtain a license or fail to make reports.

Section 73. Any person failing to secure the herein mentioned license, or who shall fail, neglect, or refuse to make the above mentioned report, shall be deemed guilty of a misdemeanor and shall be punished accordingly, and in all cases of conviction their license shall be revoked.

License to be revoked.

How fines, bonds and penalties may be collected.

Section 74. All fines, bonds and penalties mentioned in any Section of this Act may be collected by a civil action in the name of the State of Montana in any court of competent jurisdiction upon proper complaint being filed, and the amount of all fines and bonds collected under the provisions of this Act shall be paid to the State Treasurer and by him placed to the credit of a fund to be known as the Fish and Game Fund. All such fines, bonds and costs shall be collected without stay of execution, and the defendant, or defendants, may by order of the court be confined in the county jail of the county until such fine and costs are paid.

Moneys so collected to be placed to credit of what fund.

Collections to be made without stay of execution and defendant confined in jail until paid.

Cost bill to be prepared when and paid how.

Section 75. That in all cases where there is a prosecution for the violation of fish and game laws, and costs have been incurred therein, a cost bill shall be prepared, including the cost of board of prisoners, and presented to the State Board of Examiners, and if by them allowed, the State Treasurer shall thereupon pay the same out of the State Game and Fish Fund to the County Treasurer of the county wherein such costs were incurred.

What laws shall not prevent railroads from carrying property free for the State or Federal government or the owner of any fish hatchery in state, etc.

Section 76. That nothing in the provisions of Chapter 4 or 5, Title VIII, of the Political Code of the Revised Codes of Montana of 1907, or of Chapter 136 of the Session Laws of the Twelfth Legislative Assembly, or in any of the other provisions of the Laws of Montana, shall be construed to prevent, or shall prevent, the carriage or storage or handling of property, by railroads or other common carriers free or at reduced rates, for the Government of the United States or of the State of Montana, or for the owner or owners of any fish hatchery within this State, or any anglers' association, or Sportsmen's club organized and existing therein, or of the State Fish

and Game Warden, whenever such property is being used for the exclusive purpose of stocking or planting with fish or fish eggs the waters within the State of Montana, or restocking the ranges and forests of the State of Montana with elk, deer, mountain sheep, mountain goats, grouse, ducks or any of the so-called game animals or birds; and nothing therein shall be construed to prevent, or shall prevent, the issuing of free transportation to, or the free carriage of, or the selling of tickets at reduced rates to any and all persons while actually engaged in transporting fish or fish eggs, or stocking or planting the waters of this State with such fish or fish eggs, or to any and all persons while actually engaged in transporting and caring for any of the game animals or birds herein mentioned for restocking the ranges, forests and public parks of this State.

Section 77. It shall be the duty of all grand juries to investigate all infractions of any provisions of this Act, except such cases and violations as may have been tried by a court of competent jurisdiction, and upon due proof of violation of any of the said provisions, they shall proceed to indict such party or parties according to law, and it is hereby made the duty of the Judge of the District Court to call the attention of the Grand Jury to the provisions of this Act. The District Court shall have concurrent jurisdiction with justices of the peace of all offenses committed under the provisions of this Act. And it is further provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half-breed Indians when outside the Indian Reservation. It is further provided and declared to be the duty of any sheriff, or peace-officer of any county of this State, and the county attorneys of the respective counties when it shall come to their knowledge, or they shall have reason to believe that any person has violated any of the Sections of this Act, to commence criminal proceedings against them either in the Justice or District Court, as in their judgment shall be proper, and any failure on the part of any county attorney, sheriff or other peace officer, or game warden, who has knowledge of the violation of any of the provisions of this Act to commence such proceedings, shall be deemed a misdemeanor, and he shall be punished accordingly.

Section 78. Whenever it shall appear under any prosecution under any Section of this Act making it a

Transportation of fish or fish eggs free or at reduced rates, or to persons engaged in what.

Duty of grand juries to investigate violations of Act.

To find indictments when.

Duty of judges of district courts.

Jurisdiction of district courts.

Indians and half-breeds outside of Indian reservations.

Duties of sheriffs, peace officers and county attorneys.

Failure of officers to prosecute, a misdemeanor.

Duty to hold persons under arrest for killing game when found the act was done in another state.

felony for the violation thereof, that the crime was committed, or that the game was killed, or the fish caught in violation of law in any other State other than Montana, it shall be the duty of the magistrate or the court before whom the trial was had to hold said defendant for at least ten days, and for such further time as may be necessary to allow the authorities of said State wherein the law has been violated, to take the necessary steps to secure the arrest and extradition of the accused, if they so desire; and on the holding of the accused under the provisions of this Section, it shall be the duty of the county attorney or attorney prosecuting to immediately notify the proper officers of the State and county in which it appears the law has been violated, of all the facts and circumstances connected with said proceedings.

Duty of County Attorney therein.

Provisions of Act not to apply in cases great hunger caused its violation.

Section 79. When it is shown that any violation of the provisions of this Act was for the purpose of preventing great suffering by hunger, of any person or persons, which could not otherwise have been avoided, the provisions of this Act shall not apply to said case.

Mufflers and like devices not to be used upon guns in hunting.

Section 80. It shall be unlawful for any person to take into the fields or forests, or to have in their possession, while out for the purpose of hunting any wild animals or birds, any device or mechanism, designed to silence or muffle, or minimize the report of any firearm whether such device or mechanism be separated from or attached to any firearm.

Birds and game animals may be killed or captured for scientific purposes by whom.

Section 81. It shall hereafter be lawful for the duly accredited representative of any school, college, university or other institution of learning, who may be investigating a scientific subject making the same necessary, to take, kill, capture and have in his possession for such purpose, any of the birds, fish or animals found in this State, and to take, kill and capture the same in any way, except by the explosion of dynamite; provided that no more of any such birds, fish or animals shall be taken than are necessary for such investigation, and provided also that any person who shall desire to engage in such scientific investigation shall apply to the State Game Warden for a license so to do. If the State Game Warden is satisfied of the good faith of the applicant, he shall issue to him a permit, which shall place a time limit upon such investigation, and shall place a restriction upon the number of birds, fish or animals, to be taken thereunder; and the person to whom such license is issued shall pay therefor the sum of Five (\$5.00)

Dynamite not to be used.

Limit to number to be taken.

License required.

State Game Warden to issue permit, when.

License fee.

Dollars, and shall have no right or authority to take, have or capture any other or greater number of the birds, fish or animals than are mentioned in said license. Any person violating the provisions of this Section shall be guilty of a misdemeanor and punished accordingly.

Section 82. Section 8810 of the Revised Codes of the State of Montana, 1907 be and the same is hereby repealed.

Section 8810⁴ Revised Codes repealed.

Section 83. That there be and hereby is created for the better protection of all of the game animals and birds within the limits thereof, said game preserves within the State of Montana and more particularly hereinafter described as to the exterior limits, and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for or killed, any of the animals herein mentioned or to trap, capture or molest any birds or animals of any kind whatever within the limits of the game preserves hereby created, or to carry or discharge any firearms, or to create any unusual disturbances tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserves, provided, however, that permits to capture animals or birds, for the purpose of propagation, or to destroy, mountain lions, wolves, foxes, coyotes, wild cats, mink, or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such license fee and in accordance with such regulations as may be established for the administration, said preserves by the State Game and Fish Commission. The game preserves herein would hereby be created and more particularly described as follows:

Game Preserves created.

What unlawful in game preserves.

Permits may be issued for what purposes in game preserves, when and by whom.

1. Snow Creek Preserve. Beginning at a point on the north bank of the Missouri River, directly across and opposite the point where the dividing line between Hell Creek and Crooked Creek intersect the south bank of the Missouri River; thence southerly across the Missouri River and continuing on top of a divide and forward to the top of the main divide between Big Dry Creek and the Missouri River; thence westerly and on the top of the said last mentioned divide to the top of the divide between Billy Creek and Seven Blackfoot Creek; thence north on said last named divide to a point on the northern bank of the Missouri River directly opposite and across where said last mentioned divide intersects the said bank; thence westerly along

Snow Creek Preserve.

Pryor Mountain
Preserve.

the north bank of the Missouri River, following the meanderings thereof to the point of beginning.

2. Pryor Mountain Reserve. Beginning at the northwest corner of Section twenty-seven (27) Township 7, South of Range Twenty-five (25) east; thence south to the Southwest corner of Section Three (3) to Township Eight (8) South of Range Twenty-five (25) east; thence east to the Southeast corner of Section Three (3) Township Eight (8) South of Range Twenty-five (25) East; thence south to the Southwest corner of Section Eleven (11), Township Eight (8), South of Range Twenty-five (25) East; thence east to the Southeast corner of Section Eleven (11), Township Eight (8) South of Range Twenty-five (25) East; thence south to the Southwest corner of Section Twenty-four (24), Township Eight (8), South of Range Twenty-five (25) East; thence east to the Southeast corner of Section Twenty-four (24), Township Eight (8), South of Range Twenty-five East; thence south to the Southeast corner of Section Twenty-five (25), Township Eight (8), South of Range Twenty-five (25) East; thence east to that point which when surveyed will be the Southeast corner of Section Thirty (30), Township Eight (8), South of Range Twenty-six (26) East; thence south to this point which when surveyed will be the Southwest corner of Section Thirty-two (32), Township Eight (8), South of Range Twenty-six (26) East; thence east to that point which when surveyed will be the Southeast corner of Section Thirty-six (36), Township Eight (8), South of Range Twenty-seven (27) East; thence north to that point which when surveyed will be the Southwest corner of Section Thirty-one (31), Township Seven (7) South of Range Twenty-eight (28), East; thence east to that point which when surveyed will be the Southeast corner of Section Thirty-one (31), Township Seven (7), South, of Range Twenty-eight (28) East; thence north to that point which when surveyed will be the Northeast corner of Section Nineteen (19) Township Seven (7) South of Range Twenty-eight (28) East; thence west to the Northeast corner of Section Twenty-four (24) Township Seven (7) South of Range Twenty-five (25) East; thence south to the Southeast corner of Section Twenty-four (24) Township Seven (7), South of Range Twenty-five East; thence west to the Northwest corner of Section Twenty-seven (27), Township Seven (7), South of Range Twenty-five (25) East to the place of beginning.

3. Sun River Preserve. Beginning at a point on the Continental Divide of the Rocky Mountains, due south of the head or source of the South Fork of the North Fork of Sun River, in what will be Section Eight (8) Township Eighteen (18) North of Range Ten (10) West, Montana Meridian, when surveyed; thence due north from the crest of the Continental Divide to the head of the South Fork of the North Fork of Sun River; thence northerly along and down the course of the South Fork of the North Fork of Sun River, as it winds and turns to its confluence with the North Fork of the North Fork of Sun River; thence northerly along the course of the North Fork of the North Fork of Sun River as it winds and turns to its head or source; thence due north to the crest of the Continental Divide of the Rocky Mountains; thence along the crest of the Continental Divide of the Rocky Mountains southwesterly and southerly to the place of beginning, intending hereby to include in said Game preserve all that territory lying between the said South Fork of the North Fork and the said North Fork of the North Fork of Sun River on the East, and the Continental Divide of the Rocky Mountains on the West.

Sun River Preserve.

4. Gallatin Preserve. Beginning at a point where the West Gallatin river intersects the boundary line of the Yellowstone National Park; thence along the West Gallatin river in a Northwesterly direction to a point where the East boundary line of Range Four (4) East intersects the West Gallatin river; thence North along said township line to the intersection of the said township line with the north boundary line of Township Eight (8) South; thence due East along said township line to its intersection with the division line between Gallatin County and Park County; thence Southerly along this division line to its intersection with the present Gallatin Game Preserve line; thence Easterly along this present Gallatin Game Preserve line to its intersection with the Yellowstone river; thence Southeasterly along the Yellowstone river to the intersection of the Yellowstone river with the North boundary line of the Yellowstone National Park; thence West along the North boundary line of the Yellowstone National Park to the Northwest corner of the Yellowstone National Park; thence South to the intersection of the West boundary line of the Yellowstone National Park with the West Gallatin River, the point of beginning.

Gallatin Preserve.

Snowy Mountain
Preserve.

5. Snowy Mountain Preserve. All of that portion embraced within the exterior limits of that portion of the Jefferson Forest Reserve in the Big Snowy Mountains embraced within range 17, 18, and 19, and the west half of range 20, east of the Montana Meridian, is hereby designated as the "Snowy Mountain Game Preserve."

Highwood National Forest
Preserve.

6. Highwood National Forest. All of that territory embraced within the exterior limits of that portion of the State of Montana which have heretofore been embraced and which are included within the exterior limits of that territory known as the Highwood National Forest, it being the intent and purpose of this description to include within the said Game Preserve all of the land which is now embraced within the limits of said National Forest Reserve, except those portions of the same held in private ownership.

Powder River
Game Preserve.

7. Powder River Game Preserve. Beginning at the south-east corner of Custer County at the Montana-Wyoming State line, thence north and along the North and South line between Custer and Fallon Counties, to a point where same dissects the east fork of the Little Powder River, thence following down the center of said stream to the west bank of Little Powder River, thence down the west bank thereof to its confluence with Powder River, thence up the East Bank of said Powder River to the junction of Cache Creek therewith, thence up the channel of said Cache Creek and the north fork thereof to the divide or water shed between Powder River and Tongue River, and thence south along said water shed, to the Montana-Wyoming State line, and thence due east and along said State line to the place of beginning.

Flathead Lake
Bird Preserve.

8. Flathead Lake Bird Preserve. That certain islands, two in number, including Lot one (1) of Block One (1) containing two and fifty-seven hundredths (2.57) acres; lot two (2) of Block One (1) containing two and sixty hundredths (2.60) acres; lot one (1) of Block two (2), containing one and sixty-five hundredths (1.65) acres, all being in the villa site of Island, situated in Flathead Lake in the County of Flathead, Montana, according to the official plat and survey of said land returned to the General Land Office by the Surveyor General, be and the same are hereby made a perpetual place of refuge for birds of all kinds, the same to be called and known as Flathead Lake Bird Reserve, which said lands

shall be specially reserved for the breeding, propagating and protection of all species of birds.

It shall be unlawful for any person to kill, shoot, capture or destroy, or in any way injure any bird on said islands, or to interfere with their eggs or nests, or to shoot at, wound or kill any bird within a distance of 400 yards from the shore line of said islands.

Unlawful to capture, kill, shoot or destroy any bird on said islands, etc.

It shall be unlawful for any person to kill, shoot, capture or destroy, or in any way injure any bird or animal on the University of Montana Biological Reserve located on the east shore of Flathead Lake, or to interfere with their eggs or their young, or their nests, or to shoot at, wound, or kill any bird or any animal within four hundred yards of said University of Montana Biological Reserve, or to discharge any firearms on said Reserve or within four hundred (400) yards thereof.

9. Twin Buttes Game Preserve. For the better protection of game animals and birds, the following area in the Lewis and Clark National Forest, in the Rocky Mountains, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Twin Buttes Game Preserve, to-wit:

Twin Buttes Game Preserve.

Beginning at the junction of Dearborn River with Falls Creek in what will be Township Eighteen North, of Range Seven, West, Montana Meridian, when surveyed, and running thence southerly along the course of said Falls Creek to its junction with the tributary of said Falls Creek known as the East Fork, thence due south to the crest of the Continental Divide, thence northwesterly along the Continental Divide to the head of Blacktail Creek, thence northerly along said Blacktail Creek to its junction with said Dearborn River, thence down the said Dearborn River to the place of beginning.

It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any birds or animals of any kind whatever within the limits of said Game Preserve, or to discharge any firearms or to create any unusual disturbances tending to frighten or drive away any game animals or any birds within said preserve; provided, however, that permits to capture animals and birds for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink and other predatory animals or birds may be issued by the State Game Warden, upon the payment of such fee, and in accordance with

such regulations as may be established for said preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars or by imprisonment in the county jail for not less than thirty (30) days or more than six (6) months, or by both such fine and imprisonment.

Any persons violating the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars, or imprisonment in the county jail not less than one nor more than sixty days, or both such fine and imprisonment.

Provided, however, that nothing in this Act shall prevent any authorized official from the University of Montana from taking, capturing or killing any birds in said reserves for scientific purposes only.

Subdivision 1. It shall be unlawful for any person or persons at any time to hunt, trap, kill, capture or chase any game birds or animals of any kind whatever, within the limits of the said State Game Preserve; provided, however, that permits to capture game animals and birds for scientific purposes or for purposes of propagation may be issued by the State Game Warden on the payment of the fee of Five (\$5) Dollars and in accordance with such regulations as may be established for said preserve, and it shall be lawful to destroy mountain lions, wolves, foxes, coyotes, and wild cats on said Preserve.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five (\$25) Dollars nor more than One Hundred (\$100) Dollars or shall be imprisoned in the county jail for a term of not less than thirty (30) days nor more than six months, (6), or by both fine and imprisonment.

Any person found guilty of a violation of any of the provisions of the foregoing Sections relating to Game Preserves, shall be guilty of a misdemeanor, and upon conviction thereof, punished as herein provided.

10. South Moccasin Mountain Game Preserve. Beginning at the northeast (NE) corner of Section thirty (30), Township seventeen (17) north, Range eighteen (18) east; running thence in a due westerly course a distance of five (5) miles to the northwest (NW) cor-

South Moccasin
Mountain Game
Preserve.

ner of section twenty-eight (28), Township seventeen (17) north, Range seventeen (17) east; thence south two (2) miles; thence west one-half ($\frac{1}{2}$) mile to the northwest (NW) corner of Section four (4), Township sixteen (16) north, Range seventeen (17) east; thence due south a distance of four (4) miles to the southwest (SW) corner of Section one (1), Township sixteen (16) north, Range seventeen (17) east; thence due east a distance of five (5) miles to the southeast corner (SE) of Section nineteen (19), Township sixteen (16) north, Range eighteen (18) east; thence due north a distance of four (4) miles to the northeast (NE) corner of Section six (6), Township sixteen (16) north, Range eighteen (18) east; thence due east one-half ($\frac{1}{2}$) mile to the southeast (SE) corner of Section thirty-one (31), Township seventeen (17) north, Range eighteen (18) east; thence due north two (2) miles to the northeast (NE) corner of Section thirty (30), Township seventeen (17) north, Range eighteen (18) east, Montana Principal Meridian, the place of beginning.

Section 84. It shall hereafter be lawful for any person to engage in the business or occupation of stocking, capturing, raising and owning any of the wild animals or wild birds of the State of Montana in a wholly enclosed preserve, owned or leased by him, under such rules and regulations as may be prescribed by the State Game and Fish Commission and under the supervision of the State Game Warden, upon paying to the State an annual license fee of Twenty-five (\$25) Dollars the same to be in force and expire at the same time as other licenses described under the terms of this Act.

Lawful for any person to engage in stocking, raising and owning kind of wild animals or birds in his privately owned and entirely enclosed game preserve.

Annual license fee required.

And it shall also be unlawful for a man who has captured wild animals or birds, to sell same to any one in Montana, who proposes to raise such wild animals or birds; provided, however, that before any such sale is made, the State Game Warden must issue a permit in writing, agreeing to such transaction, and that such permit for each sale of wild animals shall require a fee of Five (\$5.00) Dollars, and of wild birds, a fee of One (\$1.00) Dollar.

Lawful to sell wild birds and animals to whom.

Permit first to be obtained.

License fee.

Section 85. Any person found guilty of a violation of any of the terms of this Act, if the same is defined as a misdemeanor, under the terms hereof shall be punished by a fine of not less than Twenty-five (\$25) Dollars nor more than Five Hundred (\$500) Dollars, or by imprison-

Persons convicted of a misdemeanor under Act.

Penalty.

ment in the county jail of not less than ten (10) days nor more than one hundred eighty (180) days, or by both such fine and imprisonment.

Persons convicted of felony under Act.

Penalty.

Any person found guilty of the commission of a felony as defined under the terms hereof shall be punished by a fine of not less than Five Hundred (\$500) Dollars nor more than One Thousand (\$1000) Dollars, or by imprisonment in the county jail of not less than six (6) months nor more than one (1) year.

Section 86. All laws and parts of laws in conflict herewith are hereby repealed.

Section 88. This Act shall be in force and effect from and after its enactment and approval.

Approved March 15, 1917.

CHAPTER 174.

“An Act for the submission to the qualified electors of the State of Montana of an Amendment to Section 15, Article XII of the Constitution of the State of Montana, Creating a County Board of Equalization and a State Board of Equalization and Prescribing the Powers, Authority and Duties of Such Respective Board.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 15 of Article XII of Constitution amended.

Section 1. That Section 15 of Article XII of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 15 of Article XII of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

Powers and duties of County and State Board of Equalization.

Section 15. The Board of County Commissioners of each County shall constitute a County Board of Equalization and the Governor, Secretary of State, State Treasurer, State Auditor and Attorney General shall constitute a State Board of Equalization. The duty of the County Board of Equalization shall be to adjust and equalize the valuation of taxable property within their respective Counties and all such adjustments and equalization may be supervised, reviewed, changed, increased or decreased by the State Board of Equalization. The State Board of Equalization may adjust and equalize the valuation of taxable property among the several Coun-

ties and the different classes of taxable property in the same and in the several counties and between individual taxpayers; supervise and review the acts of County Assessors and County Boards of Equalization; change, increase or decrease valuations made by County Assessors or equalized by County Boards of Equalization and has such authority and may do all things necessary to secure a fair, just and equitable valuation of taxable property among the Counties and between the different classes of property and individuals.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1915.

The above Chapter, known as Chapter No. 47, House Bill No. 22 of the Fourteenth Legislative Assembly, was approved by the people at the general election held November 7th, 1916, the Governor's Proclamation, issued on December 4th, 1916, making the law effective from that date.

VOTE:

For	74,257
Against	60,839

(Signed)

C. T. STEWART,
Secretary of State.

CHAPTER 175.

"An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling, or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana, providing penalties for the violation thereof, and providing for a referendum of said Act and providing the time when said Act shall take effect."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Ardent spirits, or any compound thereof capable of use as a beverage, or ale, beer, wine or intoxicating liquor or liquors of any kind shall not be manufactured or introduced into the State of Montana, except as herein expressly provided.

Enacted by a referendum vote of the people November 7th, 1916. Forbidding the manufacture or introduction of ardent spirits or intoxicating liquors into state.

Forbidding sale or other disposition of or the manufacturing of ardent or intoxicating liquors within the state.

Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits, or any compound thereof capable of use as a beverage, or any ale, beer, wine or intoxicating liquor of any kind, to any person, persons or association or corporation in the State of Montana, or who manufactures, or introduces into, or attempts to introduce into the State of Montana, any ardent spirits, or any compound thereof capable of use as a beverage, or any ale, beer, wine or intoxicating liquors of any kind, shall be guilty of a misdemeanor and upon conviction shall be imprisoned not less than ten days nor more than two years, and shall be fined not less than twenty-five dollars, nor more than three hundred dollars for each offense; Provided, That nothing in this Act shall apply to the manufacture or sale of denatured alcohol, nor to wine intended for sacramental purposes, nor to alcohol intended for scientific or manufacturing purposes.

A misdemeanor.

Penalty.

Denatured alcohol and wine for sacramental purposes, etc., excepted.

Act to take effect when.

Section 2. This Act shall take effect and be in force on and after the 31st day of December, 1918, provided the same shall be ratified by a majority vote of the people of the State of Montana.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith, particularly all laws of this State and all ordinances of cities and towns relating to the issuance of liquor licenses, are hereby repealed, after the 31st day of December, 1918, provided this Act is approved by the people.

Approved February 27th, 1915.

The above Chapter, known as Chapter No. 39, House Bill No. 224 of the Fourteenth Legislative Assembly, was approved by the people at the General election on November 7th, 1916, the Proclamation by the Governor on December 4th, 1916, making the law effective from that date.

VOTE:

For 102,776
Against 73,890

(Signed)

C. T. STEWART,
Secretary of State.

CHAPTER 176.

“An Act to Appropriate Money to Establish and Maintain Normal Training Courses in High Schools; to Provide for the Apportionment of Said Money and to Authorize the Issuance of Teachers’ Certificates to Graduates of Such Normal Training Courses in High Schools.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Twelve Thousand (\$12,000) Dollars, for the year ending March 1st, 1918, and there is hereby appropriated the sum of Sixteen Thousand (\$16,000) Dollars, for the year ending March 1st, 1919, the same to be paid by the State Treasurer, under the direction of the State Superintendent of Public Instruction to accredited High Schools for establishing Normal Training Courses in such High Schools. Such payments to be made to only one High School in each county, the same to be designated by the State Superintendent of Public Instruction. In designating such school, the State Superintendent shall select the high school having the largest enrollment and best equipment in the county.

Appropriation for Normal Training in accredited High Schools.

Section 2. When any accredited High School in the State, with the approval of the State Superintendent of Public Instruction and the Chancellor, shall have established Normal Training Courses in such High School, and such course or courses shall have been maintained for a period of six months or more, the State Superintendent of Public Instruction is authorized to apportion to such High School, out of the funds appropriated in this Act, one-half of the amount paid in salaries by such High School for such Normal Training Courses, provided, however, that allowance shall only be made for the time actually devoted to instruction in such courses by the teachers engaged therein, and that after the first half-year, no allowance shall be made to any High School for salary paid to any instructor, unless one-half or more of the time of such instructor shall have been spent in Normal Training work, as shown by previous reports made to the State Superintendent of Public Instruction by the County Superintendent of Schools.

What accredited High Schools entitled to apportionment of appropriation.

Amount.

Allowance for what time.
Allowance after first half year to be made when.

Section 3. The State Treasurer shall pay to the several County Treasurers for the credit of the respective High Schools, the sums apportioned to such High Schools

State Treasurer to pay to whom sums apportioned under Act.

When no apportionment shall not be paid to High School.

under this Act, provided, however, that no payments shall be made under this Act to any High School which does not comply with the provisions of Senate Bill No. 189 of the Acts of the Fifteenth Legislative Assembly, relating to normal training courses in high schools.

State Superintendent may issue teacher's second grade certificates to whom, good for how long.

Section 4. The State Superintendent of Public Instruction may authorize the issuance of Teachers' Second Grade Certificates, good for a period not exceeding two years, to pupils graduating from such Normal Training Course in High Schools.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5th, 1917.

HOUSE BILL NO. 1.

“An Act to Appropriate Money for the Payment of Mileage and Per Diem of the Members of the Fifteenth Legislative Assembly of the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ninety thousand (\$90,000.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the mileage and per diem of the members of the Fifteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 8th, 1917.

HOUSE BILL NO. 2.

“An Act to Appropriate Money for the Payment of the Per Diem of the Officers and Attaches of the Fifteenth Legislative Assembly of the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifty-five thousand (\$55,000.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Fifteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 8th, 1917.

HOUSE BILL NO. 3.

“An Act Making An Appropriation Of Money For The Incidental Expenses Of The Fifteenth Legislative Assembly Of The State Of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifteen thousand (\$15,000.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the incidental expenses of the Fifteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 8th, 1917.

HOUSE BILL NO. 195.

“An Act to Provide for the Construction of a Fish Hatchery for the Propagation of Food Fish and Other Fish in Park County, Montana, and to Appropriate Money Therefor.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of the Montana State Fish Commission to provide for the construction of a fish hatchery in Park County, Montana, upon a site to be selected by said Commission, said site and water for the use of said hatchery to be donated to the State free of charge by the citizens of said county. Said hatchery shall be constructed by said Commission in such manner and form as they shall deem best; all the bills for such construction to be passed upon and approved by the State Board of Examiners.

Section 2. There is hereby appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of twenty thousand (\$20,000.00) dollars, or as much thereof as may be necessary for the construction of said hatchery; twelve thousand (\$12,000.00) dollars of said sum to be available during the year 1917, and eight thousand (\$8,000.00) dollars of said sum to be available during the year 1918.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

HOUSE BILL NO. 244.

“An Act Appropriating the Sum of Five Hundred and Seven Dollars and Thirty-three Cents (\$507.33) to Return to Certain Retail Liquor Dealers in Richland County for Unexpired Portion of Liquor Licenses.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred and Seven Dollars and Thirty-three Cents (\$507.33), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the following sums to the following named persons, the same being the unexpired portions of licenses to sell liquor at retail in Richland County, Montana, which licenses were rendered void by the local option election in said County, to-wit:

Name.	Address.	State Refund.
Pisar Bros.	Fairview, Mont.	\$11.50
A. J. Mercer Co.....	Sidney, Mont.	11.61
J. H. Evans.....	Fairview, Mont.	19.60
Bert A. Bettey.....	Sidney, Mont.	80.11
R. S. Hamilton.....	Arthur, Mont.	21.60
Jake Obergfell	Newlon, Mont.	46.12
Lampson & Kiichli.....	Lambert, Mont.	68.91
J. H. Kiichli.....	Savage, Mont.	57.25
Ezra Shoemaker	Crane, Mont.	60.08
Wm. Carter	Lambert, Mont.	65.73
Wm. Nichols	Savage, Mont.	64.82
		\$507.33

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their names, respectively, and the State Treasurer is authorized to pay the same.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1917.

HOUSE BILL NO. 315.

“An Act Providing for the Payment of Deficiency Claims for the Transportation of Prisoners.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand (\$5000.00) dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the transportation of prisoners for the year ending February 28th, 1917.

Section 2. Such deficiency claims shall be allowed and paid from the appropriations herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

HOUSE BILL NO. 415.

"An Act Providing for the Payment of Deficiency Claims for the Care of Prisoners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of thirty thousand (\$30,000.00) dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the care of Prisoners for the year ending March 1st, 1917.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

HOUSE BILL NO. 431.

"An Act to Pay Certain Employees of the Senate and the House as Provided in Sections 76 and 81 of the Revised Codes of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of two hundred (\$200.00) dollars be, and the same is hereby appropriated for the payment of the following named persons for services performed in accordance with Sections 76 and 81 of the Revised Codes of Montana of 1907, to-wit:

J. F. Cone, Secretary of the Senate.....\$100.00

Chas. H. Treacy, Chief Clerk of the House.....\$100.00

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the sums mentioned in Section 1 and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

HOUSE BILL NO. 432.

"An Act Appropriating Money from the Bounty Fund for the Payment of Certain Bounty Claims which were Disallowed by the State Board of Examiners owing to Technical Errors in the Proof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and Twenty-two (\$222.00) Dollars, or so much thereof as may be necessary be, and

the same is hereby appropriated out of any money in the Bounty Fund not otherwise appropriated for the payment of the claims of the following named persons for bounties, which claims were disallowed by the State Board of Examiners owing to technical errors in the proofs:

Vernand Penno, Assigned to Geo. L. Morris, Zurich, Montana	\$63.00
Bert McKenzie, Eureka, Montana.....	6.00
Thomas McGinness, Jennings, Montana.....	6.00
Martin Tetrud, Cut Bank, Montana.....	36.00
Stanley E. Douglass, Canyon Ferry, Montana.....	30.00
R. H. Churchwell, Evans, Montana.....	6.00
William Boyd, Big Timber, Montana.....	75.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1917.

HOUSE BILL NO. 445.

“An Act to Appropriate Money for the Purpose of Paying the Claims of Cities Against the Firemen’s Disability Fund, Which Claims Have Been Approved by the State Board of Examiners.”
Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of seventy-nine hundred six and 44/100 (\$7906.44) dollars be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of claims of cities against the Firemen’s Disability Fund, which claims have been approved by the State Board of Examiners and are unpaid owing to deficiency in said Fund for the year ending February 28th, 1917.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1917.

HOUSE BILL NO. 452.

“An Act Appropriating Money for the Deficiency Claims of Certain Persons for Services Rendered and Supplies Furnished on Account of the State Board of Health, Which Claims Were Approved by the State Board of Examiners.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand one hundred and twenty-eight and 82/100 (\$1,128.82) dollars, or so much thereof as

may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying the deficiency claims of the following named persons, to-wit:

F. C. Snow, Traveling expense.....	\$ 7.20
Emil Starz, November Salary.....	100.00
C. A. Gottschalck, Traveling expense.....	3.40
Emil Starz, Dec. Salary.....	100.00
Independent Pub. Co., Printing.....	102.50
E. Starz Pharmacy, Supplies.....	7.18
Independent Pub. Co., Printing.....	46.75
Link & Haire, Blue Prints.....	6.00
Emil Starz, October Salary.....	100.00
Gt. Northern Ex. Co., Express.....	2.20
S. A. Cooney, Exp. to Washington.....	233.94
Link & Haire, Blue Prints.....	6.00
Emil Starz, January Salary.....	100.00
Emil Starz, February Salary.....	100.00
Independent Pub. Co., Printing Reports.....	213.65
	\$1,128.82

Such deficiency claims arising from the fact that they were presented after the appropriations for the department for which said articles were furnished or services rendered had lapsed.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the respective sums, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1917.

HOUSE BILL NO. 450.

“An Act Appropriating Money for the Maintenance and Betterment of the Several State Institutions of Montana for Two Years, Commencing March 1st, 1917, and Ending February 28th, 1919.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for a period commencing March 1st, 1917, and ending February 28th, 1918.

State Institutions.

Maintenance State Insane Asylum and care of Insane, Two Hundred and Ninety-five Thousand Dollars; for additional buildings and equipment, Fifty Thousand Dollars.

Maintenance Hospital for Inebriates, Ten Thousand Dollars.

Maintenance State Prison and care of Prisoners, Two Hundred and Five Thousand Dollars.

Maintenance and betterments Tuberculosis Sanitarium, Seventy-five Thousand Dollars; for additional buildings, Ten Thousand Dollars.

Maintenance and betterments State Industrial School, Seventy-six Thousand Seven Hundred and Fifty Dollars.

Maintenance and betterments State University, Two Hundred and Seventy Thousand Dollars; purchase of land at State University, Twenty Thousand Dollars.

Maintenance and betterments Agricultural College, One Hundred and Fifty-seven Thousand Dollars.

Maintenance State School of Mines, Thirty-eight Thousand Five Hundred Dollars.

Maintenance and betterments State Normal School, One Hundred and One Thousand Two Hundred and Fifty Dollars.

Maintenance and betterments State Orphans Home, Eighty-six Thousand Five Hundred Dollars.

Maintenance and betterments State School for Deaf, Blind and Feeble-minded, One Hundred and Two Thousand Five Hundred Dollars.

Maintenance and betterments Soldiers' Home, Thirty-five Thousand Two Hundred and Fifty Dollars; for relief outside of Soldiers' Home of members of the State National Guard temporarily disabled, One Thousand Dollars.

Miscellaneous.

Montana Agricultural Experiment Stations, Eighty-five Thousand Two Hundred and Fifty Dollars, to be distributed as follows:

Maintenance and equipment Home Station, Bozeman, Sixty-eight Thousand Dollars.

Maintenance and equipment Horticultural Sub-station, Three Thousand Dollars.

Maintenance and equipment Fergus County Dry Farm Sub-station, Six Thousand Dollars.

Maintenance and equipment Huntley Sub-station, Two Thousand Dollars.

Maintenance and equipment Grain Laboratory, Six Thousand Two Hundred and Fifty Dollars; for purchase of anti-hog cholera serum, Two Thousand Dollars.

Farmers' Institutes, Ten Thousand Dollars.

For Farmers' Extension work in co-operation with the Federal Government under the Smith-Lever Act, and other Acts of Congress relating to such work, Thirty-eight Thousand Five Hundred Dollars.

For maintenance State Fair in addition to the money in the State Fair Fund, Seventeen Thousand Five Hundred Dollars. For betterments and improvements State Fair, Seventy-five Hundred Dollars.

For maintenance and improvements Governor's Mansion, Five Thousand Dollars.

For maintenance Northern Montana Agricultural and Manual Training School and Agricultural Sub-station, Fifteen Thousand Dollars.

For repairs of Buildings, Northern Montana Agricultural and Manual Training School, Five Thousand Dollars.

Section 2. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period commencing March 1st, 1918, and ending February 28th, 1919.

State Institutions.

Maintenance State Insane Asylum and care of Insane, Two Hundred and Ninety-five Thousand Dollars.

Maintenance Hospital for Inebriates, Ten Thousand Dollars.

Maintenance State Prison and care of Prisoners, Two Hundred and Five Thousand Dollars.

Maintenance and betterments Tuberculosis Sanitarium, Seventy-five Thousand Dollars; for additional buildings, Ten Thousand Dollars.

Maintenance and betterments State Industrial School, Seventy-six Thousand Seven Hundred and Fifty Dollars.

Maintenance and betterments State University, Two Hundred and Seventy Thousand Dollars.

Maintenance and betterments Agricultural College, One Hundred and Fifty-seven Thousand Dollars.

Maintenance State School of Mines, Thirty-eight Thousand Five Hundred Dollars.

Maintenance and betterments State Normal School, One Hundred and One Thousand Two Hundred and Fifty Dollars.

Maintenance and betterments State Orphans Home, Eighty-six Thousand Five Hundred Dollars.

Maintenance and betterments State School for Deaf, Blind and Feeble-minded, One Hundred and Two Thousand Five Hundred Dollars.

Maintenance and betterments Soldiers' Home, Thirty-five Thousand Two Hundred and Fifty Dollars; for relief outside of Soldiers' Home of members of the State National Guard temporarily disabled, One Thousand Dollars.

Miscellaneous.

Montana Agricultural Experiment Stations, Eighty-five Thousand Two Hundred and Fifty Dollars, to be distributed as follows:

Maintenance and equipment Home Station, Bozeman, Sixty-eight Thousand Dollars.

Maintenance and equipment Horticultural Sub-station, Three Thousand Dollars.

Maintenance and equipment Fergus County Dry Farm Sub-station, Six Thousand Dollars.

Maintenance and equipment Huntley Sub-station, Two Thousand Dollars.

Maintenance and equipment Grain Laboratory, Six Thousand Two Hundred and Fifty Dollars; for purchase of anti-hog cholera serum, Two Thousand Dollars.

Farmers' Institutes, Ten Thousand Dollars.

For Farmers' Extension work in co-operation with the Federal Government under the Smith-Lever Act, and other Acts of Congress relating to such work, Thirty-eight Thousand Five Hundred Dollars.

For maintenance State Fair in addition to the money in the State Fair Fund, Seventeen Thousand Five Hundred Dollars.

For betterments and improvements State Fair, Seventy-five Hundred Dollars.

For maintenance and improvements Governor's Mansion, Five Thousand Dollars.

For maintenance Northern Montana Agricultural and Manual Training School and Agricultural Sub-station, Fifteen Thousand Dollars.

For repairs of Buildings, Northern Montana Agricultural and Manual Training School, Five Thousand Dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

HOUSE BILL NO. 416.

"An Act Providing for the Payment of Deficiency Claims for the Care of the Insane."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary be, and the same is

hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the care of the Insane during the year ending March 1, 1917.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

HOUSE BILL NO. 290.

“An Act Appropriating Money to Pay the Deficiency Claims of Tim Driscoll, for Transporting Prisoners to the State Penitentiary During January and February, 1915.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated the sum of thirty-three and 80/100 (\$33.80) dollars, out of any moneys in the State Treasury not otherwise appropriated for the payment of the deficiency claim of Tim Driscoll, for the transporting of prisoners to the State Penitentiary at Deer Lodge, Montana, during January and February, 1915.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of Tim Driscoll for the sum above mentioned, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1917.

HOUSE BILL NO. 316.

“An Act Providing for the Payment of Deficiency Claims for Account of Expense of Judges.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of thirty-five hundred (\$3500.00) dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying expenses of Judges for the year ending February 28th, 1917.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

HOUSE BILL 313.

“An Act Providing for the Payment of Deficiency Claims for Account of Requisitions.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three thousand (\$3000.00) dollars, or so much thereof as may be necessary be, and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claim for account of Requisitions for the year ending February 28th, 1917.

Section 2. That such deficiency claim shall be allowed and paid from the appropriation made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1917.

HOUSE BILL 104.

“An Act Appropriating Money to the County of Silver Bow as a Refund for Money Erroneously Collected and Paid into the State Treasury.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three hundred three and 52/100 (\$303.52) dollars be, and the same is hereby appropriated for the payment of the claim of Silver Bow County on account of moneys paid into the State Treasury, which was erroneously collected and paid into the State Treasury in the following manner:—

Personal Tax was collected for the year 1915, prior to the making of the levy for that year, therefore the levy of the year 1914 was used, which was higher than the state levies for the year 1915. This condition caused the refunding of the said amount of \$303.52 to various tax-payers in Silver Bow County.

Section 2. That the State Auditor be, and he is hereby authorized to draw his warrant in favor of the County Treasurer of the above named county, for the respective amount, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1917.

HOUSE BILL NO. 90.

“An Act to Provide for the Payment to Thomas Daly of the Sum of Six Hundred Dollars for Reimbursement of Moneys Paid by Him in Satisfaction of a Judgment for Twenty-five Hundred Dollars Rendered Against Him for Damages in Performance of His Duties as a Deputy State Fire Marshal.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated out of any moneys now in the hands of the State Treasurer, not otherwise appropriated, the sum of six hundred (\$600.00) dollars, for reimbursing Thomas Daly, a Deputy State Fire Marshal of the State of Montana, paid by him on August 14, 1916, to satisfy a certain judgment for twenty-five hundred (\$2500.00) dollars rendered against him on the 15th day of June, 1914, as defendant in a certain action in the District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark, wherein Pat P. Smth was plaintiff, it appearing that said action was for damages resulting from the tearing down of a building by said Thomas Daly in the performance of his duties as a Deputy State Fire Marshal of the State of Montana.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Thomas Daly for the sum named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

Approved February 27, 1917.

HOUSE BILL NO. 312.

“An Act Appropriating Money for the Deficiency Claims of Certain Persons for Services Rendered, Supplies Furnished and Fees Erroneously Paid, which Claims were approved by the State Board of Examiners.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty-five hundred sixty-four and 53/100 (\$5564.53) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying the deficiency claims of the following named persons, to-wit:—

Warren Construction Co., assigned to National Bank of Gallatin Valley, Bozeman, For work done and material furnished for the College of Agriculture & Mechanical Arts, at Bozeman, during the year 1915.....	\$4,815.48
Manhattan Malting Co., Manhattan, For fees erroneously paid to the Secretary of State in 1910	145.50
R. Moran, Helena, For money paid by him for extra clerical hire for the office of State Boiler Inspector in 1913	110.00
Richard Price, Washoe.....	65.95
Howard N. Stockett, Great Falls.....	19.50
F. W. C. Whyte, Anaconda.....	48.05
Montana Record-Herald, Helena.....	6.00
Independent Publishing Co., Helena.....	13.00
For money due for services rendered as members of the Board of Examiners for applicants for the position of Coal Mine Inspector, and for publication of legal notices and for supplies furnished	
C. M. Mansur, assigned to H. L. Hart, State Treasurer	129.60
Thomas McTague, Deer Lodge.....	42.40
Wm. M. Bole, Great Falls.....	49.80
M. C. Morris, Billings.....	77.40
For services and expenses while acting as Presidential Electors during January, 1917.	
R. C. Wiggernhorn, Red Lodge. For additional salary due him from the State of Montana, as County Attorney, owing to advance in classification of Carbon County.....	41.85
	\$5,564.53

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amounts set opposite their names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1917.

HOUSE BILL NO. 314.

“An Act Providing for the Payment of Deficiency Claims for Account of Public Printing.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for public printing for the year ending February 28th, 1917.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1917.

HOUSE BILL NO. 298.

“An Act Appropriating Money to Pay a Judgment Obtained Against the State of Montana by William B. Pomeroy, Together with Interest Thereon, Which Judgment was Entered in the District Court of Lewis and Clark County on the 12th Day of September, 1913, and Affirmed by the Supreme Court of the State of Montana on June 12, 1915.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Sixteen Thousand Seven Hundred Thirty-five and 18/100 (\$16,735.18) Dollars is hereby appropriated out of any moneys in the general fund of the State of Montana not otherwise appropriated to pay the claim of William B. Pomeroy against the State of Montana, which claim represents the judgment obtained against the State of Montana in the District Court of Lewis and Clark County on the twelfth day of September, 1913, and affirmed by the Supreme Court of the State of Montana on June 12, 1915.

Section 2. That the appropriation provided for in Section 1 of this Act shall be payment in full of said claim of said William B. Pomeroy against the State of Montana, and that the acceptance of this amount by the said William B. Pomeroy shall constitute payment in full, and unless a receipt in full for said claim is given to the Auditor and Treasurer of the State of Montana by said William B. Pomeroy, he shall not be entitled to nor receive all or any portion of the amount appropriated in Section 1 of this Act.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved March 5, 1917.

HOUSE BILL NO. 448.

“An Act Appropriating Money for the Maintenance of the Executive and Judicial Departments of the State Government for Two Years, Commencing March 1st, 1917, and Ending February 28th, 1919.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1917, and ending February 28th, 1918.

EXECUTIVE DEPARTMENT.**Office of Governor.**

For salary of Governor, seven thousand five hundred dollars;
Salary of Private Secretary, twenty-four hundred dollars;
Salary of Stenographer, fifteen hundred dollars;
Office and traveling expenses of Governor, fifteen hundred dollars;

Montana's proportion expense of Governor's Conference, two hundred and fifty dollars.

Office of Secretary of State.

Salary of Secretary of State, three thousand dollars;
Salary of Deputy Secretary of State, twenty-one hundred dollars;
Salary of Chief Clerk and Stenographer, eighteen hundred dollars;

Extra Clerical Hire, five hundred dollars;
Weights and Measures Law, twelve hundred dollars;
Contingent Expense, five hundred dollars;
Office and traveling expenses, fifteen hundred dollars;
Postage and expressage Session Laws, three hundred dollars.

Office of State Treasurer.

Salary of State Treasurer, three thousand dollars;
Salary of Deputy State Treasurer, twenty-one hundred dollars;
Salary of Clerk of State Treasurer, eighteen hundred dollars;
Salary Stenographer, twelve hundred dollars;
Office and traveling expenses, one thousand dollars;
For Contingent expense, twenty-five hundred dollars;
For Official Bond of State Treasurer, two thousand dollars.

Office of State Auditor.

Salary of State Auditor, three thousand dollars;
Salary of Deputy State Auditor, twenty-one hundred dollars;

Salary Deputy Commissioner of Insurance, twenty-one hundred dollars;

Salary of Chief Clerk, eighteen hundred dollars;

Salary of two stenographers, each twelve hundred dollars, twenty-four hundred dollars;

Office and traveling expenses, two thousand five hundred dollars;

For employment of Actuary Insurance Department, twelve hundred dollars;

Office of Attorney General.

Salary of Attorney General, four thousand five hundred dollars;

Salary of First Assistant, three thousand dollars;

Salary of Second Assistant, three thousand dollars;

Salary of Third Assistant, three thousand dollars;

Salary of Law Clerk, twenty-one hundred dollars;

Salary of Stenographer, twelve hundred dollars;

Office and traveling expenses, two thousand five hundred dollars.

Office of Superintendent of Public Instruction.

Salary of Superintendent of Public Instruction, three thousand dollars;

Salary Deputy Superintendent Public Instruction, twenty-one hundred dollars;

Salary two Rural School Inspectors, twenty-one hundred dollars each, forty-two hundred dollars;

Salary Clerk, twelve hundred dollars;

Salary of Stenographer, twelve hundred dollars;

Office and traveling expenses, fifty-four hundred dollars;

Expenses State Text Book Commission, one thousand dollars.

Office of Railroad Commissioners.

Salary of Commissioners, twelve thousand dollars;

Salary of Secretary, three thousand dollars;

Salary of Rate Clerk, twenty-five hundred dollars;

Salary of two Inspectors, eighteen hundred dollars each, thirty-six hundred dollars;

Salary of Stenographer, twelve hundred dollars;

Salary of Steamboat Inspector, twelve hundred dollars;

One-half Reporter's Salary, twelve hundred dollars;

Expense National Board Railroad Valuation, one thousand dollars;

One-half expense printing and publishing two annual reports, four hundred dollars;

Office and traveling expenses, including extra clerical hire, fifty-seven hundred dollars.

Office Public Service Commission.

Salary of Auditor, twenty-four hundred dollars;

Salary of Engineer, twenty-four hundred dollars;

Salary of Stenographer, twelve hundred dollars;

One-half Reporter's Salary, twelve hundred dollars;

One-half expense of printing and publishing two annual reports, four hundred dollars;

Office and traveling expenses, including extra clerical hire, two thousand five hundred dollars.

Office of State Examiner.

Salary of State Examiner, three thousand dollars;

Salary of First Assistant, twenty-four hundred dollars;

Salary of Second Assistant, twenty-one hundred dollars;

Salary six Deputy Examiners, eighteen hundred dollars each, ten thousand eight hundred dollars;

Salary two clerks, twelve hundred dollars each, twenty-four hundred dollars;

Office and traveling expenses, including extra clerical hire for examination of Cities, Towns and School Districts, twelve thousand dollars.

Office of State Veterinarian.

Salary of State Veterinarian, three thousand dollars;

Salary of Deputy Veterinarian, eighteen hundred dollars;

Salary of Clerk, twelve hundred dollars;

Office and traveling expenses Veterinarian and Deputy Veterinarian, fifty-five hundred dollars.

Bureau of Agriculture and Publicity.

Salary of Commissioner, twenty-five hundred dollars;

Salary of Chief Clerk, twenty-one hundred dollars;

Salary of Stenographer, twelve hundred dollars;

For publicity purposes, including publishing and distributing literature, advertising, office, traveling and other expenses, five thousand dollars.

Bureau of Labor and Industry.

Salary of Commissioner, twenty-five hundred dollars;

Salary of Chief Clerk, twenty-one hundred dollars;

Salary of Stenographer, twelve hundred dollars;

Office and traveling expenses, two thousand dollars.

Office of Adjutant General.

Salary of Adjutant General, twenty-four hundred dollars;

Salary of Stenographer, (from Bureau of Child and Animal Protection) three hundred dollars;

Office and traveling expenses, one thousand dollars;
Maintenance of National Guard, fifteen thousand dollars;
For Repairs to State Armory, three thousand five hundred dollars.

State Board of Education.

Traveling expenses of members, seventeen hundred dollars;

Office of Consolidated Boards.

Salary of Clerk, twenty-four hundred dollars;
Office expense, three hundred dollars;
Extra clerical hire, two hundred dollars;
For adding machine, three hundred and twenty-five dollars;
For typewriting machine, seventy-four and 77/100 dollars;
Traveling expense members, five hundred dollars;

State Law Library.

Salary Librarian, twenty-five hundred dollars;
Purchase of Books, three thousand dollars;
Maintenance and expense of library, nine hundred dollars;

State Historical Library.

State Librarian, twenty-one hundred dollars;
Salary First Assistant, twelve hundred dollars;
Salary Second Assistant, twelve hundred dollars;
Expense, including purchase of books, etc., three thousand dollars;
Expense, collecting stories from Pioneers, one thousand dollars;

State Board of Horticulture.

Salary of State Horticulturist, twenty-five hundred dollars;
Salary of Secretary, one thousand dollars;
Expense, eleven thousand five hundred dollars;

Grain and Warehouse Fund.

For clerk hire and other expenses in carrying out the provisions of the Warehouse Act, fifteen hundred dollars.

State Board of Examiners.

Salary of Clerk, twenty-one hundred dollars;
Salary of State Accountant, twenty-one hundred dollars;
Traveling expenses of State Accountant, one thousand dollars;
Traveling expenses of members, one thousand dollars;
Contingent expenses, including extra clerical hire, five thousand dollars.

State Board of Health.

Salary of Secretary, three thousand dollars;
Salary of Clerk, twelve hundred dollars;

Two Stenographers at twelve hundred dollars each, twenty-four hundred dollars;

Office and traveling expenses, four thousand dollars;

Expense investigating and checking Infantile Paralysis, four thousand dollars;

Expense enforcing the Pure Food Law, including payment of Special Drug Inspector, with traveling expenses, six thousand dollars;

Bacteriological Laboratory, five thousand dollars;

Water and Food Laboratory, five thousand dollars;

For Water Analysis and Inspection of Water Systems, four thousand dollars.

State Board of Charities and Reform.

Expense, five hundred dollars.

State Board of Examiners for Coal Mine Inspectors.

Members of Examining Boards, except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by Judge of District Court, in any county where coal is mined, for compensation and expense, fifteen hundred dollars.

Bureau of Child, Labor and Animal Protection.

Salary of Secretary, Twenty-five hundred dollars;

Salary seven Deputies at eighteen hundred dollars each, twelve thousand six hundred dollars;

Salary Stenographer, nine hundred dollars;

Office and traveling expenses, seventy-two hundred dollars;

State Fair.

Salary of Secretary, three thousand dollars.

Office of State Engineer.

Salary State Engineer, three thousand dollars;

Field and office expenses, one thousand dollars;

Measurement of streams and hydrographic work, five thousand dollars.

Office of Industrial Accident Board.

Salary of Chairman, four thousand dollars;

Salary of Secretary, twenty-one hundred dollars;

Salary of Accountant, twenty-one hundred dollars;

Salary of Statistician, fifteen hundred dollars;

Salary Filing Clerk, fifteen hundred dollars;

Salary Three Stenographers at twelve hundred dollars each, thirty-six hundred dollars;

Office and traveling expenses, ten thousand two hundred dollars;

For expense of Boiler Inspection and salaries of Inspectors, seventeen thousand three hundred dollars;

For expense of Coal Mine Inspection and salaries of Inspectors, four thousand five hundred dollars;

For expense of Mine Inspection and salaries of Inspectors, seven thousand dollars.

Office of State Dairy Commissioner.

Salary Commissioner, twenty-four hundred dollars;

For salary of field deputies and traveling expenses, seventy-two hundred dollars;

Salary of Clerk, twelve hundred dollars.

State Parole Commissioner.

Salary Commissioner, two thousand dollars.

Board of Entomology.

Expense of Board, five thousand dollars;

State Entomologist, expense, twenty-seven hundred dollars.

Transportation of Prisoners.

Expense Sheriff in transporting prisoners to penitentiary, fifteen thousand dollars;

For Requisition, five thousand dollars;

For Reward, two thousand dollars;

Miscellaneous.

For Public Printing, forty thousand dollars;

For State Capitol Building, Maintenance, thirty-eight thousand dollars;

For salary of Custodian of State Capitol, two thousand dollars;

Acting Governor, Salary, one thousand dollars;

For Firemen's disability fund, sixteen thousand dollars;

Interest on Bounty Claims, five thousand dollars;

For State Board of Poultry Husbandry, one thousand dollars;

Custodian of War Documents and Relics.

Custodian, salary and expense, twelve hundred dollars.

Livestock Sanitary Board.

For the Sanitary Board Account, thirty-seven thousand five hundred dollars.

Livestock Commission.

For salaries and expenses of inspection and detectives, twenty-five thousand dollars.

JUDICIAL DEPARTMENT.

Supreme Court.

Salary Three Justices, eighteen thousand dollars;
Compensation for reporting decisions, forty-five hundred dollars;
Salary Clerk Supreme Court, twenty-five hundred dollars;
Salary Stenographer Supreme Court, twenty-four hundred dollars;
Salary Marshal Supreme Court, fifteen hundred dollars;
Salary Attendant Supreme Court, twelve hundred dollars;
Office and other expenses Clerk Supreme Court, seven hundred and fifty dollars;
Expenses of Court not otherwise provided for, one thousand dollars;
For Filing Case, eight hundred and fifty dollars;
For Printing Montana Reports, eighteen hundred dollars;
For salaries of District Judges, one hundred and eight thousand dollars;
For expenses of Judges sitting in places not their residence, within their district, and also when sitting in places of other Judges, ten thousand dollars;
For salaries of County Attorneys, thirty-eight thousand dollars.
Section 2. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period commencing March 1st, 1918, and ending February 28th, 1919.

EXECUTIVE DEPARTMENT.

Office of Governor.

For salary of Governor, seven thousand five hundred dollars;
Salary of Private Secretary, twenty-four hundred dollars;
Salary of Stenographer, fifteen hundred dollars;
Office and traveling expenses of Governor, fifteen hundred dollars;
Montana's proportion expense of Governor's Conference, two hundred and fifty dollars.

Office of Secretary of State.

Salary of Secretary of State, three thousand dollars;
Salary of Deputy Secretary of State, twenty-one hundred dollars;
Salary of Chief Clerk and Stenographer, eighteen hundred dollars;

Extra Clerical Hire, twelve hundred dollars;
Weights and Measures Law, five hundred dollars;
Contingent expense, five hundred dollars;
Office and traveling expenses, fifteen hundred dollars.
Postage and expressage Session Laws, three hundred dollars;

Office of State Treasurer.

Salary of State Treasurer, three thousand dollars;
Salary of Deputy State Treasurer, twenty-one hundred dollars;
Salary of Clerk of State Treasurer, eighteen hundred dollars;
Salary of Stenographer, twelve hundred dollars;
Office and traveling expenses, one thousand dollars;
For contingent expense, twenty-five hundred dollars;
For Official Bond of State Treasurer, two thousand dollars.

Office of State Auditor.

Salary of State Auditor, three thousand dollars;
Salary of Deputy State Auditor, twenty-one hundred dollars;
Salary Deputy Commissioner of Insurance, twenty-one hundred dollars;
Salary of Chief Clerk, eighteen hundred dollars;
Salary of two Stenographers, each twelve hundred dollars, twenty-four hundred dollars;
Office and traveling expenses, two thousand five hundred dollars;
For employment of Actuary Insurance Department, twelve hundred dollars.

Office of Attorney General.

Salary of Attorney General, four thousand five hundred dollars;
Salary of First Assistant, three thousand dollars;
Salary of Second Assistant, three thousand dollars;
Salary of Third Assistant, three thousand dollars.
Salary of Law Clerk, twenty-one hundred dollars;
Salary of Stenographer, twelve hundred dollars;
Office and traveling expenses, two thousand five hundred dollars.

Office of Superintendent of Public Instruction.

Salary of Superintendent of Public Instruction, three thousand dollars;
Salary Deputy Superintendent Public Instruction, twenty-one hundred dollars;
Salary two Rural School Inspectors, twenty-one hundred dollars each, forty-two hundred dollars;
Salary Clerk, twelve hundred dollars;
Salary of Stenographer, twelve hundred dollars;
Office and traveling expenses, fifty-four hundred dollars;

Office of Railroad Commissioners.

Salary of Commissioners, twelve thousand dollars;
Salary of Secretary, three thousand dollars;
Salary of Rate Clerk, twenty-five hundred dollars;
Salary of two Inspectors, eighteen hundred dollars each, thirty-six hundred dollars;
Salary of Stenographer, twelve hundred dollars;
Salary of Steamboat Inspector, twelve hundred dollars;
One-half Reporter's Salary, twelve hundred dollars;
One-half expense printing and publishing two annual reports, four hundred dollars;
Office and traveling expenses, including extra clerical hire, fifty-seven hundred dollars;

Office Public Service Commission.

Salary of Auditor, twenty-four hundred dollars;
Salary of Engineer, twenty-four hundred dollars;
Salary of Stenographer, twelve hundred dollars;
One-half Reporter's salary, twelve hundred dollars;
One-half expense of printing and publishing two annual reports, four hundred dollars;
Office and traveling expenses, including extra clerical hire, twenty-five hundred dollars.

Office of State Examiner.

Salary of State Examiner, three thousand dollars;
Salary of First Assistant, twenty-four hundred dollars;
Salary of Second Assistant, twenty-one hundred dollars;
Salary of six Deputy Examiners, eighteen hundred dollars each, ten thousand eight hundred dollars;
Salary two clerks, twelve hundred dollars each, twenty-four hundred dollars;
Office and traveling expenses, including extra clerical hire for examination of Cities, Towns and School Districts, twelve thousand dollars.

Office of State Veterinarian.

Salary of State Veterinarian, three thousand dollars;
Salary of Deputy Veterinarian, eighteen hundred dollars;
Salary of Clerk, twelve hundred dollars;
Office and traveling expenses Veterinarian and Deputy Veterinarian, fifty-five hundred dollars.

Bureau of Agriculture and Publicity.

Salary of Commissioner, twenty-five hundred dollars;
Salary of Chief Clerk, twenty-one hundred dollars;
Salary of Stenographer, twelve hundred dollars;

For publicity purposes, including publishing and distributing literature, advertising, office, traveling and other expenses, five thousand dollars.

Bureau of Labor and Industry.

Salary of Commissioner, twenty-five hundred dollars;
Salary of Chief Clerk, twenty-one hundred dollars;
Salary of Stenographer, twelve hundred dollars;
Office and traveling expenses, two thousand dollars.

Office of Adjutant General.

Salary of Adjutant General, twenty-four hundred dollars;
Salary of Stenographer, (from Bureau of Child and Animal Protection), three hundred dollars;
Office and traveling expenses, one thousand dollars;
Maintenance of National Guard, fifteen thousand dollars.

State Board of Education.

Traveling expenses of members, seventeen hundred dollars.

Office of Consolidated Boards.

Salary of Clerk, twenty-four hundred dollars;
Office expense, three hundred dollars;
Extra clerical hire, two hundred dollars;
Traveling expense members, five hundred dollars.

State Law Library.

Salary Librarian, twenty-five hundred dollars;
Purchase of Books, three thousand dollars;
Maintenance and expense of Library, nine hundred dollars.

State Historical Library.

State Librarian, twenty-one hundred dollars;
Salary First Assistant, twelve hundred dollars;
Salary Second Assistant, twelve hundred dollars;
Expense, including purchase of books, etc., three thousand dollars;
Expense, collecting stories from Pioneers, one thousand dollars.

State Board of Horticulture.

Salary of State Horticulturist, twenty-five hundred dollars;
Salary of Secretary, one thousand dollars;
Expense, eleven thousand five hundred dollars.

Grain and Warehouse Fund.

For Clerk hire and other expenses in carrying out the provisions of the Warehouse Act, fifteen hundred dollars.

State Board of Examiners.

Salary of Clerk, twenty-one hundred dollars;
Salary of State Accountant, twenty-one hundred dollars;
Traveling expenses of State Accountant, one thousand dollars;
Traveling expenses of members, one thousand dollars;
Contingent expenses, including extra clerical hire, five thousand dollars.

State Board of Health.

Salary of Secretary, three thousand dollars;
Salary of Clerk, twelve hundred dollars;
Two Stenographers at twelve hundred dollars each, twenty-four hundred dollars;
Office and traveling expenses, four thousand dollars;
Expense investigating and checking Infantile Paralysis, four thousand dollars;
Expense enforcing the Pure Food Law, including payment of Special Drug Inspector, with traveling expenses, six thousand dollars;
Bacteriological Laboratory, five thousand dollars;
Water and Food Laboratory, five thousand dollars;
For water analysis and inspection of water systems, four thousand dollars;
State Board of Charities and Reform, expense, five hundred dollars.

State Board of Examiners for Coal Mine Inspectors.

Members of Examining Boards, except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by Judge of District Court, in any county where coal is mined, for compensation and expense, fifteen hundred dollars.

Bureau of Child, Labor and Animal Protection.

Salary of Secretary, twenty-five hundred dollars;
Salary seven deputies at eighteen hundred dollars each, twelve thousand six hundred dollars;
Salary Stenographer, nine hundred dollars;
Office and traveling expenses, seventy-two hundred dollars.

State Fair.

Salary of Secretary, three thousand dollars.

Office of State Engineer.

Salary State Engineer, three thousand dollars;
Field and office expenses, one thousand dollars;
Measurement of streams and hydrographic work, five thousand dollars;

Office of Industrial Accident Board.

Salary of Chairman, four thousand dollars;
Salary of Secretary, twenty-one hundred dollars;
Salary of Accountant, twenty-one hundred dollars;
Salary of Statistician, fifteen hundred dollars;
Salary Filing Clerk, fifteen hundred dollars;
Salary three Stenographers at twelve hundred dollars each,
thirty-six hundred dollars;

Office and traveling expenses, ten thousand two hundred dollars;

For expense of Boiler Inspection and salaries of Inspectors, seventeen thousand three hundred dollars;

For expense of Coal Mine Inspection and salaries of Inspectors, four thousand five hundred dollars;

For expense of Mine Inspection and salaries of Inspectors, seven thousand dollars;

Office of State Dairy Commissioner.

Salary Commissioner, twenty-four hundred dollars;

For salary of field deputies and traveling expenses, seventy-two hundred dollars;

Salary of Clerk, twelve hundred dollars;

State Parole Commissioner.

Salary Commissioner, two thousand dollars;

Board of Entomology.

Expense of Board, five thousand dollars;

State Entomologist, expense, twenty-seven hundred dollars;

Transportation of Prisoners.

Expense Sheriff in transporting prisoners to penitentiary, fifteen thousand dollars;

For requisition, five thousand dollars;

For reward, two thousand dollars;

Miscellaneous.

For Public Printing, forty thousand dollars;

For the Capitol Building, Maintenance, thirty-eight thousand dollars;

Acting Governor, Salary, one thousand dollars;

For salary of Custodian of State Capitol, two thousand dollars;

For Firemen's Disability Fund, sixteen thousand dollars;

Interest on Bounty Claims, five thousand dollars;

For State Board of Poultry Husbandry, one thousand dollars.

Custodian of War Documents and Relics.

Custodian, salary and expense, twelve hundred dollars.

Livestock Sanitary Board.

For the Sanitary Board account, thirty-seven thousand five hundred dollars.

Livestock Commission.

For salaries and expense of inspection and detectives, twenty-five thousand dollars.

JUDICIAL DEPARTMENT.**Supreme Court.**

Salary three Justices, eighteen thousand dollars.

Compensation for reporting decisions, forty-five hundred dollars.

Salary Clerk Supreme Court, twenty-five hundred dollars.

Salary Stenographer Supreme Court, twenty-four hundred dollars.

Salary Marshal Supreme Court, fifteen hundred dollars.

Salary Attendant Supreme Court, twelve hundred dollars.

Office and other expenses Clerk Supreme Court, seven hundred and fifty dollars.

Expenses of court not otherwise provided for, one thousand dollars.

For Printing Montana Reports, eighteen hundred dollars.

For salaries of District Judges, one hundred and eight thousand dollars.

For expenses of Judges sitting in places not their residence, within their district, and also when sitting in places of other judges, ten thousand dollars.

For salaries of County Attorneys, thirty-eight thousand dollars.

Section 3. The several officers, state boards and bureaus of the state of Montana are hereby prohibited from incurring any indebtedness or expense in an amount which will be in excess of the amount herein appropriated for each of said several departments.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1917.

SENATE BILL NO. 110.

“An Act to Appropriate Money for the Construction of a Building to be Used as a Dormitory, Library and Assembly Hall at the State Soldiers’ Home.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Eighteen Thousand Dollars (\$18,000.00) be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the construction and

furnishing of a building at the State Soldiers' Home. Said building to be used for a dormitory, library and assembly hall.

Section 2. Said building shall be constructed under the direction of the Board of Managers of the State Soldiers' Home, and said Board shall have full power to construct and furnish said building; and all accounts for such construction and furnishing to be approved by the State Board of Examiners.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1917.

JOINT HOUSE RESOLUTION NO. 1.

A Resolution Memorializing Congress for an Appropriation of One Million Dollars for the Flathead Irrigation Project for the Ensuing Year.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS, The Flathead Irrigation Project is one of the largest and most comprehensive Indian Irrigation schemes ever undertaken in this country and involves the reclamation of approximately 152,000 acres of land;

WHEREAS, homesteaders were invited by the government to settle upon this project under promise that their lands would be irrigated and after six years of watchful and prayerful waiting this project is now about twenty-five per cent (25%) completed;

WHEREAS, the completed cost of this project will be about \$7,000,000 and less than \$2,000,000 has been expended to date and all appropriations are reimbursable;

NOW, THEREFORE, BE IT RESOLVED, that the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring herein, petition the Congress of the United States for the necessary legislation that will enable the government to grant a Million Dollars appropriation for construction work on the Flathead project for the ensuing year;

RESOLVED FURTHER that a copy of this memorial be forwarded by the Secretary of the State of Montana to the Senate of the United States; and that a copy of this memorial be forwarded by the Secretary of the State of Montana to the House of Representatives of the United States;

AND BE IT FURTHER RESOLVED, that a copy hereof be transmitted by the Secretary of the State of Montana to the Sen-

ators and Representatives in Congress from the State of Montana, with the request that they use every effort within their power to bring about a speedy action for accomplishments of the ends and purposes herein indicated.

Approved February 7th, 1917.

HOUSE RESOLUTION NO. 2.

To the Honorable President of the Senate of the United States:

We, your Memorialists, the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, do hereby respectfully submit the following resolution:

WHEREAS, There is now pending in the Senate of the United States, a Bill for an Act providing for the development of water power and the use of public lands in relation thereto, and

WHEREAS, the State of Montana is desirous of the reasonable development of its resources under such laws and regulations as will effectually conserve the public interest, is vitally interested in the consideration of such water power bill, and

WHEREAS, there exists in our state an urgent need for the opportunity of developing its water power as an aid to its industrial growth and progress, and

WHEREAS, there are situate within the State of Montana, many large streams and natural power sites of magnitude and great potential possibilities, the early development of which, for the production of hydro-electric energy and other kindred uses, depends entirely, in large measure, in the attitude and action of the National Congress in connection therewith, Now Therefore, be it

RESOLVED: That We, the House of Representatives of the State of Montana, respectfully ask, in connection with the water power bill now under consideration in the Senate of the United States, for immediate legislation such as will permit, fully and freely, the development of water power in the streams and power sites on the public lands, and on the Indian Reservations in Montana, under such rules and regulations as the Congress of the United States may prescribe.

RESOLVED, that a copy of this resolution be transmitted, by the Secretary of State, to the Honorable Henry L. Myers, and Honorable Thomas J. Walsh, United States Senators at Washington, D. C.

Approved Jan. 16, 1917.

HOUSE JOINT RESOLUTION NO. 2.

A Resolution Memorializing Congress for the Passage of Hydro-Electric Power Legislation that will Enable the Government to Lease Power Sites to Private Legitimate Enterprises under Proper Rules and Regulations.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS, the water-ways of this state abound in water power, it being conservatively estimated that about one-tenth of the total potential water power in the United States lies within the borders of our own state, a very small proportion of which is now developed;

WHEREAS, the development of the various Government power sites in this state by private enterprise would add millions of dollars to our tax rolls and develop the greatest National resource we have;

WHEREAS, the members of this Legislative Assembly believe that our forests and coal beds should not be needlessly exploited and the development of the Government power sites would help conserve two of our greatest natural resources;

WHEREAS, an early development of the aforesaid water power sites would induce manufacturing industries to operate in this state; would encourage railways to electrify their lines and would furnish electrical energy in such abundance that our people could cheaply electrify and heat their homes:

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring herein, petition the Congress of the United States for the necessary legislation that will enable the Government to lease power sites to private enterprises under such rules and regulations as will safe-guard the interests of the people and yield to the lessee a fair return upon the money actually invested;

RESOLVED FURTHER, that a copy of this Memorial be forwarded by the Secretary of State of Montana to the Senate of the United States; and that a copy of this Memorial be forwarded by the Secretary of State of Montana to the House of Representatives of the United States;

AND BE IT FURTHER RESOLVED, that a copy hereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives of the State of Montana in Congress, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 7th, 1917.

JOINT HOUSE MEMORIAL NO. 2.

A Resolution Memorializing Congress to Relinquish and Cease to Exercise Its Jurisdiction Over the Missouri and Yellowstone Rivers in the State of Montana.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the Missouri and Yellowstone Rivers in the State of Montana have ceased to be used for interstate commerce; and,

WHEREAS, said streams could not be made navigable between Montana and North Dakota without the expenditure of large sums of money, the amount of which would be wholly disproportionate to any benefit or advantage which could be derived from the use of said streams for the purpose of navigation; and,

WHEREAS, railroads now extend between all points on said rivers in and outside of the State of Montana between which commerce is or can be carried on by means of such railroads; and,

WHEREAS, the welfare of the people of Montana and the proper development of said state require that the construction of bridges, the diversion of water from said streams for the purpose of irrigation and the operation of ferries over and across said rivers, should be under the supervision, control and jurisdiction of said state; and,

WHEREAS, no useful purpose can be subserved by Congress continuing to exercise jurisdiction over said rivers in the State of Montana:

NOW, THEREFORE, be it resolved by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring therein, that we do hereby petition the Congress of the United States that it relinquish and cease to exercise its jurisdiction over said rivers in the State of Montana;

RESOLVED FURTHER that a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the Senate of the United States; and that a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States;

AND BE IT FURTHER RESOLVED, that a copy hereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress from the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the ends and purposes herein indicated.

Approved February 7th, 1917. •

HOUSE JOINT MEMORIAL NO. 3.

Memorializing Congress of the United States for a Biological Survey of Flathead, Whitefish and Swan Lakes.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, Flathead, Whitefish and Swan Lakes situated in this state are the three largest bodies of water outside of the Forest Reserves in this State; and,

WHEREAS, These lakes contain approximately four hundred square miles of water surface, varying from one hundred and fifty to three hundred and fifty feet in depth; and,

WHEREAS, A fish hatchery is located on Flathead Lake and an effort is being made by the state to stock these bodies of water with fish both native and foreign; and to intelligently arrive at conclusions to determine the most favored species of fish for commercial food purposes, it is necessary to ascertain the nature of animal, shell and plant life on the bottoms of these respective lakes:

NOW, THEREFORE, BE IT RESOLVED, That we, your memorialists, the Fifteenth Legislative Session of the State of Montana, do earnestly petition the Congress of the United States for a Biological Survey of the aforesaid waters for the purpose herein before mentioned; and,

BE IT FURTHER RESOLVED, That the Secretary of State be, and he is hereby instructed to forthwith transmit copies of this Memorial, properly authenticated, to the Honorable Secretary of the Interior, and to our Senators and Representatives in Congress from the State of Montana.

Approved February 7th, 1917.

JOINT HOUSE RESOLUTION NO. 4.

A Resolution Memorializing Congress for the Passage of an Appropriation of \$10,000 to Dredge Polson Bay on Flathead Lake of this State.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS, Flathead Lake is one of the largest inland bodies of fresh water outside of the Great Lakes in the United States and contains approximately Three Hundred Sixty (360) square miles of water surface:

WHEREAS, Flathead Lake is tapped on the north by the Great Northern Railway Company and on the south by the Northern Pa-

cific Railway Company, and the intervening space of 35 miles is water transportation:

WHEREAS, Flathead Lake is on the Park to Park route and thousands of tourists each season journey back and forth across the lake, also hundreds of tons of freight are yearly transported across its waters:

WHEREAS, the water in Polson Bay during certain seasons of the year is such as to make navigation hazardous and some of the boats are unable to get to Polson on the southern end of the lake at all:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring herein, that we petition the Congress of the United States for the necessary legislation that will enable the Government to grant an appropriation of \$10,000.00 to dredge a channel and build a breakwater in Polson Bay for the reasons hereinbefore stated;

RESOLVED FURTHER that a copy of this memorial be forwarded by the Secretary of State of Montana to the Senate of the United States; and that a copy of this memorial be forwarded by the Secretary of the State of Montana to the House of Representatives of the United States;

AND BE IT FURTHER RESOLVED, that a copy hereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives of the State of Montana in Congress, with the request that they use every effort within their power to bring about a speedy action for the accomplishments of the ends and purposes herein indicated.

Approved February 7th, 1917.

HOUSE JOINT MEMORIAL NO. 5.

Memorial to the Congress of the United States to Pass an Amendment to the Federal Constitution and Submit the Same to the Several States for Ratification, Prohibiting the Manufacture and Sale of Intoxicating Liquors for Use as a Beverage.

To the Honorable Senate and House of Representatives in Congress of the United States of America:

Your memorialists, the members of the Fifteenth Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent:

WHEREAS, it appears that a majority of the people of the United States are in favor of prohibiting the manufacture and sale of intoxicating liquors for use as a beverage; and,

WHEREAS, there is now pending before the Congress of the United States a measure proposing an amendment to the Federal Constitution designed to effect such prohibition:

NOW, THEREFORE, BE IT RESOLVED By the House, the Senate concurring, that we, the members of the Fifteenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Congress of the United States that such measure proposing an amendment to the Federal Constitution, so prohibiting the manufacture and sale of intoxicating liquors be passed and submitted to the several states for ratification; and,

RESOLVED FURTHER, that a copy of this Memorial be forwarded by the Secretary of State of Montana to the Senate and to the House of Representatives of the United States; and, that copies hereof be transmitted by the Secretary of the State of Montana to the Senators and Representatives of Montana in Congress.

Approved February 13th, 1917.

HOUSE JOINT MEMORIAL NO. 7.

To the Honorable, the Senators and Representatives of the United States, in Congress Assembled:

Your Memorialists, the Legislative Assembly of the State of Montana, respectfully represent and petition as follows:

That, WHEREAS, the Yellowstone National Park is located at the source of many of the rivers that flow to both the Atlantic and Pacific Oceans, through the fertile lands of many of our prosperous states; and,

WHEREAS, The waters of these mighty rivers are needed for irrigation at certain seasons, and the flow of which in undiminished volume is largely dependent upon the preservation of the forests in the vicinity of their sources, as well as to retard their flow during freshet seasons, and thus prevent the inundation of fertile fields near the mouth of said rivers; and,

WHEREAS, There are millions of acres of dense forest virgin in its character and filled with dry timber, as well as lofty and picturesque living pines that have spread their noble boughs to the sky and battled with the fierce elements of the mountains for thousands of years, undaunted by storm, thunder, cloud or other vicissitudes of Nature, yet are helpless before the hand of man, when through wantonness or carelessness he allows forest fires to be kindled; and,

WHEREAS, The beauty, as well as the grandeur, of the magnificent lakes, peaceful valleys, grand canyons and towering mountains, is greatly enhanced by the timber within said Yellowstone

National Park, and a forest fire would surely make this Great Wonderland of the World a scene of desolation, similar to the battle fields of Northern France, and thus change said Park from a thing of beauty to an example of the carelessness of a Nation; and,

WHEREAS, The said National Park is the native home of thousands of America's choice game animals, many of which are nearly extinct in other parts of the world, and the preservation of which is earnestly hoped for by every lover of Nature; and,

WHEREAS, Thousands of tourists visit this isolated region each year who should be amply protected from highwaymen, as well as restrained from defacing the natural objects of interest in said Park; and,

WHEREAS, The people of Montana believe that the War Department may always be depended upon in every war of the Nation, as well as when efficiency, honesty and economy are desired during the delightful days of peace; and,

WHEREAS, The boundaries to be patrolled for the preservation of game and the prevention of forest fires in said Park are 289 miles in extent—a task believed to be too large for a handful of Civilian Scouts:

NOW, THEREFORE, BE IT RESOLVED, That the Congress of the United States is hereby petitioned to again police the Yellowstone National Park with officers and soldiers of the regular army, to the end that it shall be well protected from fire, as well as from Vandals who would destroy its beauty and efficiency, so that our children's children may have their birthright, in the rivers that will flow undisturbed by drouth or freshet from the cloud-kissed peaks of Mount Washburn to the sunny lands that border the Gulf of Mexico;

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State to our Senators and Representatives in Congress, that they may use their efforts to bring about the return of said officers and soldiers to the Yellowstone National Park.

Approved Feb. 28, 1917.

JOINT HOUSE RESOLUTION NO. 8.

“A Resolution Memorializing Congress Relative to the Loaning of the Funds of the Postal Savings Banks Directly to the Public School Districts.”

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, The Federal Government has, in its Postal Savings Department, more than one hundred millions of dollars, which

money is being loaned to banks and banking institutions at two and one-half per cent interest, bonds of school districts being acceptable as security for such loans;

NOW, THEREFORE, BE IT RESOLVED By the Lower House of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring, that our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of laws whereby a portion of the funds of the Postal Savings Bank may be loaned directly to the public school districts.

Approved Feb. 28, 1917.

HOUSE JOINT MEMORIAL NO. 8.

“A Resolution Memorializing Congress for the Passage of Necessary Legislation to Authorize the Northern Pacific Railway Company to Relinquish Certain Lands in the State of Montana in Favor of Bona Fide Settlers Thereon and to Select Other Lands in the State of Montana in Lieu Thereof.”

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the limit of the second indemnity grant to the Northern Pacific Railway Company, the successor of the Northern Pacific Railroad Company, embraces certain lands in Richland County, Montana, which, at the time of the granting, were parts of the reservation set apart to the Gros Ventre, Piegan, and other Indian tribes; and

WHEREAS, a great many settlers, seeking homesteads in the State of Montana, have located upon certain lands within the said second indemnity limit and have improved same by plowing and cultivating and the construction of fences and buildings and have actually maintained a bona fide residence thereon with their families for a great many years; and

WHEREAS, a great many of such settlers have been permitted to make a homestead filing upon such lands in the local United States Land Office and have expended large sums of money and a great amount of work in improving the lands for the purpose and with the intention of making the same their homes and of offering final proof thereon under the provisions of the Homestead Laws of the United States; and

WHEREAS, the said Northern Pacific Railway Company claims a prior right to the land embraced within the second indemnity grant including the lands improved and claimed by these settlers; and

WHEREAS, a great many of the settlers are old and at this time unable to obtain land elsewhere and improve the same for the purpose of making it their homes and also cannot afford to purchase the said land from the said Northern Pacific Railway Company:

NOW, THEREFORE, be it resolved by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring therein, that we do hereby petition the Congress of the United States for the passage of necessary legislation authorizing the Northern Pacific Railway Company to relinquish its claim in and to such lands as are located within the limits of the second indemnity claim in favor of actual bona fide settlers thereon and authorizing the Northern Pacific Railway Company to select an equal quantity of other lands in lieu thereof from any of the public lands within the State of Montana, not mineral and not otherwise appropriated at the date of such selection to which it shall receive title the same as though originally granted; and

BE IT FURTHER RESOLVED, that a copy of this Memorial be transmitted by the Secretary of State of the State of Montana to the Honorable Secretary of the Interior and to the Senators and Representatives in Congress from the State of Montana with the request that they use every effort within their power to bring about the enactment of such legislation.

Approved March 1st, 1917.

HOUSE JOINT RESOLUTION NO. 9.

“A Resolution Conveying the Gratitude of the Fifteenth Legislative Assembly to the Honorable Martin Barrett of Beaverhead County, one of a Group of Members of the Eleventh Territorial Legislative Assembly who Rendered Valuable Service in Preventing the Granting of Subsidies to Railroads Building into the Territory of Montana in the Year 1879, Thereby Relieving the Present Generation of a Burden of Debt and Taxation.”

WHEREAS, The Honorable Martin Barrett of Beaverhead County was a member of the Council of the Eleventh Territorial Legislative Assembly, which convened in the year 1879; and

WHEREAS, The said Eleventh Territorial Assembly was met with a serious problem in the demands for subsidies made by several railroads then building into the territory, which subsidies would have amounted to a sum of many millions; and

WHEREAS, The said Martin Barrett is the sole surviving member of a group of six members of the council who were most earnest in their opposition to such vicious legislation, even to the extent of driving to Ft. Benton in order to prevent a quorum being present when a bill for exempting a railroad from taxation was under consideration by the Territorial Council: Now Therefore

BE IT RESOLVED By the House of Representatives of the Fifteenth Legislative Assembly, the Senate concurring, that the State of Montana owes a great debt of gratitude to the group of public spirited and determined members of the Eleventh Territorial Legislative Assembly who prevented the enactment of laws granting subsidies to the railroads and exemptions from taxation, thereby relieving the State at this time of a burden of debt; and

BE IT FURTHER RESOLVED that a copy of this Joint Resolution be sent to the Honorable Martin Barrett, as an indication that the people of the State of the present time are not unmindful of the wisdom, foresight and sense of public duty which was shown by the members of the Eleventh Territorial Legislative Assembly who persistently opposed proposals in conflict with public welfare.

Approved March 3, 1917.

SENATE JOINT MEMORIAL NO. 1.

Petition to Congress to Enact a Law Admitting to Citizenship one George Washington Taylor, Formerly Known as Sing On, Born Within the Empire of China.

To the Honorable Senate and House of Representatives in Congress of the United States Assembled:

WHEREAS, One George Washington Taylor, born within the Chinese Empire; and at the age of thirteen years, in the year 1873, emigrated to the United States and to the Territory of Montana, where he has resided for forty-four years; first residing at the City of Helena, where he earned his own living and attended the public schools, and speaks and writes the English language; and afterwards residing in the counties of Choteau and Teton, and

WHEREAS, The Eleventh Legislative Assembly of the Territory of Montana, in the year 1879, at the special instance and request of the said George Washington Taylor, and out of respect for his individual worth and character, changed, by legislative act, his name which was at said time Sing On, to the name of George Taylor, and

WHEREAS, Said Taylor out of respect and admiration of General George Washington, the first President of the United States, and known as the Father of His Country, thereafter inserted in his name the name of "Washington" and has ever since been known as and has transacted his business as George Washington Taylor, and

WHEREAS, Said George Washington Taylor was married in 1890 to Lena Bloom, a white woman of Swedish nativity, and there has been born unto said Taylor and his said wife, beginning with October, 1895, seven children, four boys and three girls, all of whom have been or are being educated in the public schools of the State of Montana, and who bear Christian names. The oldest son, Albert Henry Taylor, is of age, and has become a member of the

National Guard of Montana, and has served as such for a number of years; in June 1916 he was mustered into the service of the United States and served on the Mexican border with the Second Montana Regiment, and still remains a member of "Company D" of said regiment, being a sergeant thereof, and

WHEREAS, the said George Washington Taylor is and has always been a law abiding, honorable, intelligent and upright man and is honored and held in great respect by all his neighbors and acquaintances; is devoted to the principles of the Constitution and government of the United States, is opposed to anarchy and polygamy, and is wedded to this country, its people and institutions, and by virtue of his thrift; fair dealings; industry, and integrity has become the owner of large farming lands (480 acres) and other large interests in Teton, his home County, is a heavy tax payer, and an enterprising member of society, bearing a high character and honorable name, and

WHEREAS, Taylor has long and earnestly desired to become a citizen of the United States, his adopted country, and that all the privileges and respect of citizenship may be enjoyed by him during his declining years, and that his last resting place may be under a flag which he may call his own, and that whatever rights may follow his becoming naturalized may accrue to his children, and

WHEREAS, he possesses all the qualifications to entitle him to become a citizen, save his nativity (the Acts of Congress forbidding).

NOW THEREFORE BE IT RESOLVED, The House concurring, we the Fifteenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Honorable Congress of the United States for the passage of special legislation, authorizing the naturalization of the said George Washington Taylor, and that upon his application to any Court having jurisdiction to naturalize aliens, said Court upon due proofs of good moral character, residence and the other qualifications required before being naturalized, save and except his nativity admit forthwith said George Washington Taylor to full citizenship of the United States, and

IT IS FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the Senate of the United States, and that copies of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and that copies thereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved January 29th, 1917.

SENATE JOINT MEMORIAL NO. 3.

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, Congress in setting aside a reservation of land on the Crow Indian Reservation in the State of Montana to commemorate the great valor of the American troops in the battle known as that of the "Little Big Horn," has recognized only the fighting which took place on Custer Ridge, which is officially known as the "Custer Battlefield National Cemetery"; and

WHEREAS, The battle of the Little Big Horn consisted of three separate and distinct fights, in the order named, that of Reno in the valley, that of Custer on Custer Ridge, and that of the combined forces of Reno and Benteen on Reno Hill; and

WHEREAS, The soil made sacred by the blood of the slain in battle in the valley, and the obstinate and gallant defense made on Reno Hill have been overlooked, except for the placing of individual markers for the two officers and the contract surgeon who were killed in the river bottoms; and

WHEREAS, The unreserved and unmarked ground that properly forms a part of the site of the battle of the Little Big Horn is of great historical importance;

NOW THEREFORE, BE IT RESOLVED, That we, your memorialists, the Fifteenth Legislative Assembly of the State of Montana, do earnestly petition the Congress of the United States that such legislation be enacted as will provide for the purchase or reservation of additional land, so as to include the site of the opening fight in the valley, and all of the land east of the river as far as the top of the bluff, from a point three thousand feet south of the De Wolf marker to the present reservation on Custer Ridge, comprising a strip to include Reno Hill.

BE IT FURTHER RESOLVED, That the Congress be requested, for the authentic information of future generations, to provide that the lines of battle on the two fields specified be marked in an appropriate manner, and that a practical road or highway be built from and connecting the National Cemetery on Custer Ridge with Reno Hill and the site of Reno's fight in the valley, including a bridge over the Little Big Horn river between the two points last named.

BE IT FURTHER RESOLVED, That the Secretary of State be and is hereby instructed to transmit copies of this Memorial, properly authenticated, to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress from the State of Montana.

Approved March 1, 1917.

SENATE JOINT RESOLUTION NO. 3.

Resolution Relating to Increase in Compensation in the Federal Mail Service.

WHEREAS, the employees in the Federal Mail service have made application to the Congress of the United States for an increase in compensation, and

WHEREAS, the present schedule of compensation was fixed at a time when the average wage schedule of the industries of the nation was much below the present standard, and

WHEREAS, the very great increase in the cost of living makes it impossible for many of the employees of the mail service to properly support themselves and families, and

WHEREAS, it is unseemly and unjust that the employees of the most progressive and greatest nation in the world should not participate in the general prosperity of the country, and

WHEREAS, there is now pending before the Congress of the United States, a bill, the purpose of which is to increase the compensation of said employees.

NOW, THEREFORE, be it resolved by the Legislative Assembly of the State of Montana, that the Congress of the United States be urged to enact such laws as may be necessary to secure to said employees a fair measure of compensation.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Senators and Representatives from the State of Montana in the Congress of the United States.

Approved February 14th, 1917.

SENATE JOINT MEMORIAL NO. 4.

To the Honorable, the Senators and Representatives of the United States, in Congress Assembled:

Your memorialists, the Legislative Assembly of the State of Montana, Respectfully Represent and Petition as follows: that

WHEREAS, the Elk, Deer, Rocky Mountain Sheep and Antelope have in past years found native pasture on the North and West sides of the Yellowstone National Park sufficient for their use at all times, especially during the Winter, and Whereas, nearly all the native pasture lands to the North and West of the Park are either owned by farmers or pastured during the summer season by live stock until there is but little left for wild animals, and

WHEREAS, during the early Autumn the Park lines are diligently patrolled until the hunting season is closed and then the game, especially Elk, are allowed to depart in large numbers from the Park upon the lands North and West thereof down and destroy

fences of the fields and corrals of farmers, eat the hay and otherwise damage the farm lands; for instance 1500 Elk at one time were counted inside a two hundred acre field, there eating the grass belonging to a farmer whose cattle needed same, and

WHEREAS, After said Elk have destroyed property as above cited, they wander over the pasture lands of the forest Reserve, where formerly grass was in abundance, and die in large numbers for want of feed and, when the warm days of the spring time come a few of them wander back to the green vales of the National Park and leave behind them on the hills and valleys of Montana the bleaching bones of thousands of their comrades that have actually starved to death.

NOW THEREFORE, BE IT RESOLVED, That the Congress of the United States is hereby petitioned to make a full investigation of the game question about the Yellowstone National Park, and that the Federal Government shall provide, in some way, to feed or otherwise care for the vast number of Elk that will surely starve each year upon the farms and pastures of Montana.

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded by the Secretary of State to our Senators and Representatives in Congress and a copy to the Secretary of the Interior at Washington.

Approved March 1, 1917.

SENATE JOINT RESOLUTION NO. 4.

WHEREAS, it is apparent that our nation is facing a great international crisis, and that despite our persistent efforts to maintain peace and good will with all the world, we are compelled to meet a situation that threatens the tranquility of our relations with other world powers, and

WHEREAS, a part of the press and people of the great European nations seem to mistake our democratic method of free and vigorous discussion of internal and external problems, for a lack of national unity, and

WHEREAS, it is important at this time that all the world should know that no consideration of previous association, of foreign birth, or even the ties of kindred and of blood outweighs in the hearts and minds of our people the loyalty and love which they feel for this nation that has given to us all the greatest measure of freedom and opportunity ever bestowed on any people in the world's history.

THEREFORE BE IT RESOLVED, that the people of the State of Montana, speaking through their servants, the members of the

Legislative Assembly, communicate to the President of the United States and through him to all the world, our unquestioned, undivided and unanimous support in whatever course the exigencies of the situation require, and be it

FURTHER RESOLVED, that while we hope and pray for peace with all the world, we pledge ourselves, severally and collectively, and in our representative capacity, with all our resources, as individuals, and as a commonwealth to the unequivocal and undivided support of the nation, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the President of the United States.

Approved February 7, 1917.

SENATE JOINT RESOLUTION NO. 5.

A Joint Resolution Relating to the Service of the Second Montana Infantry and Cavalry Troop A During the Mexican Trouble.

Whereas, In furtherance of the plan for the adjustment of the troubles between the United States and Mexico the President of the United States deemed it wise to call upon the several States for troops to be used in service on the border; and

Whereas, This call, issued in June 1916, was instantly responded to by the men of Montana composing the Second Regiment of Infantry and Troop A, Montana Cavalry; and

Whereas, the officers and men of the Second Regiment and Troop A remained at the border until returned home by the War Department, performing their duties in such manner as to win the commendation of all who observed them in the field and in camp; Now Therefore

Be it Resolved by the Senate, the House of Representatives concurring. That the Fifteenth Legislative Assembly of the State of Montana, both for itself and on behalf of the people of the whole State, does hereby extend to the officers and enlisted men of the Second Regiment of Infantry and Troop A, Montana Cavalry, a sincere vote of thanks in appreciation of their prompt and patriotic response to their country's call and their loyal and commendable service on the border.

Resolved, further, That the Secretary of State be and he is hereby directed to transmit a copy of this Joint Resolution to the Adjutant General of Montana for distribution among the several companies of the Second Regiment and Troop A.

Approved Feb. 28, 1917.

SESSION LAWS

CHANGES OF NAMES REPORTED IN 1916 AND 1917.

Original Name	Name Deceed	Residence
J. W. Schnellbacher.....	J. W. Snellbacher.....	Billings
Halkild Tronstad	Harry Tronstad	Bisher
Synneva Chapman	Synneva Reece	Billings

APPENDIX

(Note by the Secretary of State)

The following Constitutional Amendments voted on by the people at the General Election in 1916, failed to pass:

The official vote follows:

EXEMPTIONS.

For Exemptions	48,656
Against Exemptions	83,198

TWINE FACTORY.

For Twine Factory	68,059
Against Twine Factory	79,158

INITIATIVE NO. 11
(So-called Boxing Bill)

For Initiative Measure	72,162
Against Initiative Measure	76,510

NOTE

The State Law Librarian, compiler of the Index upon the following pages has endeavored, within the short time allotted to him, to arrange the same alphabetically throughout. The main heads are found in the center of the page and the sub-heads upon the left. The matter under each main head is arranged in accordance with the alphabetical sequence until a sub-head is reached, if any; the matter under the sub-head is written in like manner until exhausted. Following the matter in the sub-head are a couple of blank lines, after which the index recurs to the alphabetical arrangement, in each instance.

INDEX

ACTIONS.		
Quieting Title	Sec.	Page
affidavit for construction service of summons.....	1	1
ABSENT VOTER.		
(See "Elections"; Chap. 155)		
ADULTERATION.		
Duty of State Board of Health upon discovering adulterated or misbranded foods, drugs, etc., to notify dealer.....	1	174
certified list of adulterated and misbranded foods, drugs and beverages to be furnished County Clerk by State Board of Health.....	1	174
list of adulterated and misbranded articles to be published by the County Clerk.....	1	174
ADVERSE POSSESSION.		
what must be shown to establish.....	1	2
ANIMALS.		
sale of carcass of animal having big jaw, tuberculosis or other infectious or contagious disease, unlawful when.....	1	42
unlawful for owner of a ridgeling, unaltered male mule or jackass over eighteen months old to run at large.....	1	206
unlawful to permit stud horse over eighteen months old to run at large, before what.....	2	206
unlawful to run at large in a herd district.....	2	103
which may be taken up and castrated within five days.....	3	207
APPROPRIATIONS.		
for the executive and judicial departments of the state government for two years, viz., from March 1, 1917, to February 28, 1919		
EXECUTIVE DEPARTMENT.		
Acting Governor		
salary		526-532
Adjutant General		
salary of adjutant general.....		523-530
salary of stenographer.....		523-530
office and traveling expenses.....		523-530
maintenance of national guards.....		523-530
repairs to state armory.....		523-530
Agricultural College		
maintenance and betterment.....		513-514
Agricultural Experiment Station		
maintenance and equipment, home station.....		513-515
maintenance and equipment of sub-station.....		513-515
maintenance and equipment, Fergus County Dry Farm sub-station		513-515
maintenance and equipment, of Huntley sub-station.....		513-515
maintenance and equipment of grain laboratory.....		513-515
Attorney-General		
salary of attorney-general.....		522-528
salary of first assistant.....		522-528
salary of second assistant.....		522-528
salary of third assistant.....		522-528
salary of law clerk.....		522-528
salary of stenographer.....		522-528
office and traveling expenses.....		522-528

INDEX

EXECUTIVE DEPARTMENT—(Continued)

	Sec.	Page
Auditor, State		
salary of auditor.....		522-528
salary of deputy auditor.....		522-528
salary of deputy commissioner of insurance.....		522-528
salary of chief clerk.....		522-528
salary of two stenographers.....		522-528
office and traveling expenses.....		522-528
for employment of actuary insurance dept.		522-528
Board of Charity and Reform, state		
expenses		525
Board of Education, state		
traveling expenses of members.....		524-530
Board of Entomology		
expense of board.....		526-532
state entomologist, expenses.....		526-532
Board of Examiners, State		
salary of clerk.....		524-531
salary of state accountant.....		524-531
traveling expenses of state accountant.....		524-531
traveling expenses of members.....		524-531
contingent expenses and extra hire.....		524-531
Board of Examiners for Coal Mine Inspectors		
members of examining board, except coal mine inspector, appointed by judges of district courts, compensation and expenses		525-531
Board of Health, state		
salary of secretary.....		524-531
salary of clerk.....		524-531
salary of two stenographers.....		525-531
office and traveling expenses.....		525-531
expense, investigating and checking infantile paralysis.....		524-531
expense of enforcing pure food law and payment of special drug inspector with traveling expenses.....		525-531
bacteriological laboratory		525-531
water and food laboratory for water analysis and inspecting water system		525-531
Board of Horticulture, state		
salary of horticulturist.....		524-530
salary of secretary.....		524-530
expenses		524-530
Board of Poultry Husbandry, state		
appropriations		526-532
Bounty Claims		
interest on		526-532
Bureau of Agriculture and Publicity		
salary of commissioner.....		523-529
salary of chief clerk.....		523-529
salary of stenographer.....		523-529
for publicity purposes, traveling and other expenses.....		523-530
Bureau of Child, Labor, and Animal Protection		
salary of secretary.....		525-531
salary of seven deputies.....		525-531
salary of stenographer.....		525-531
office and traveling expenses.....		525-531
Bureau of Labor and Industry		
salary of commissioner.....		523-530
salary of chief clerk.....		523-530
salary of stenographer.....		523-530
office and traveling expenses.....		523-530
Capitol Building		
maintenance		526-532
salary of custodian.....		526-532
Consolidated Boards		
salary of clerk.....		524-530
office expenses		524-530
extra clerical hire.....		524-530
traveling expenses		524-530
adding machinery during 1917.....		524-530
typewriting machine during 1917.....		524-530
Custodian of War Documents and Relics		
custodian's salary and expenses.....		526-532
Dairy Commission, state		
salary of commissioner.....		526-532
salary of field deputies and traveling expenses.....		526-532
salary of clerk.....		526-532

INDEX

EXECUTIVE DEPARTMENT—(Continued)

	Sec.	Page
Engineer, State		
salary of state engineer.....		525-531
field and office expenses.....		525-531
measurement of streams and hydrographic work.....		525-531
Fireman's Disability Fund		
appropriations	526-532	
claim of cities against.....	1	510
Governor		
salary of governor.....		521-527
salary of private secretary.....		521-527
salary of stenographer.....		521-527
office and traveling expenses.....		521-527
Montana's proportion of expenses of governor's conference.....		521-527
maintenance and improvement of governor's mansion.....		514-515
Grain and Warehouse Fund		
for clerk hire and expenses in carrying out provisions of the warehouse act		524-530
Examiner, state		
salary of examiner.....		523-529
salary of first assistant.....		523-529
salary of second assistant.....		523-529
salary of deputy examiners.....		523-529
salary of two clerks.....		523-529
office and traveling expenses and extra clerical hire.....		523-529
Historical Library, State		
salary of librarian.....		524-530
salary of first assistant.....		524-530
salary of second assistant.....		524-530
expenses, including purchase of books.....		524-530
expense collecting stories from pioneers.....		524-530
Industrial Accident Board		
salary of chairman.....		525-532
salary of secretary.....		525-532
salary of accountant.....		525-532
salary of statistician.....		525-532
salary of filing clerk.....		525-532
salary of three stenographers.....		525-532
office and traveling expenses.....		525-532
expense of boiler inspector and salary of inspectors.....		526-532
expense of coal mine inspector and salary of inspectors.....		526-532
expense of mine inspector and salaries of inspectors.....		526-532
Law Library, state		
salary of librarian.....		524-530
purchase of books.....		524-530
maintenance and expenses of library.....		524-530
Live Stock Commission		
salaries and expenses of inspection and detectives.....		526-533
Livestock Sanitary Board		
sanitary board account.....		526-533
Parole Commissioner		
salary of commissioner.....		526-532
Prisoners		
deficiency claims for caring for prisoners for year ending March 1, 1917.....	1	510
expense of sheriffs in transporting prisoners to penitentiary for requisitions for rewards.....		526-532
deficiency claim, transportation for year ending February 28, 1917	1	509
Public Printing		
public printing deficiency.....	1	520
Public Service Commission		
salary of auditor.....		523-529
salary of engineer.....		523-529
salary of stenographer.....		523-529
one-half of reporter salary.....		523-529
one-half expense for publishing of two annual reports.....		523-529
office and traveling expense including extra clerical hire.....		523-529
Superintendent of Public Instruction		
salary of superintendent.....		522-528
salary of deputy superintendent.....		522-528
salary of two rural school inspectors.....		522-528
salary of clerk.....		522-528
salary of stenographer.....		522-528
office and traveling expenses.....		522-528
expenses of state board text book commission.....		522

INDEX

EXECUTIVE DEPARTMENT—(Continued)

	Sec.	Page
Railroad Commissioners		
salary of commissioners.....		522-529
salary of secretary.....		522-529
salary of rate clerk.....		522-529
salary of two inspectors.....		522-529
salary of stenographer.....		522-529
salary of steamboat inspector.....		522-529
one-half reporter's salary.....		522-529
expense, national board railroad valuation.....		522-529
one-half expense of printing and publishing two annual reports.....		522-529
office and traveling expenses, including extra clerical hire....		522-529
Secretary of State		
salary of secretary.....		521-527
salary of deputy secretary.....		521-527
salary of chief clerk and stenographer.....		521-527
extra clerical hire.....		521-528
weights and measures law.....		521-528
contingent expenses.....		521-528
office and traveling expenses.....		521-528
postage and expressage.....		521-528
State Fair		
maintenance and betterment.....		514-515
salary of secretary.....		525-531
Treasurer, State		
salary of treasurer.....		521-528
salary of deputy treasurer.....		521-528
salary of clerk.....		521-528
salary of stenographer.....		521-528
office and traveling expenses.....		521-528
contingent expenses.....		521-528
official bond of state treasurer.....		521-528
Tuberculosis Sanitarium		
maintenance and betterment.....		513-514
University of Montana		
maintenance and betterment.....		513-514
refunding necessary fare paid by students attending institutions of	2	200
Veterinarian, state		
salary of veterinarian.....		523-529
salary of deputy veterinarian.....		523-529
salary of clerk.....		523-529
office and traveling expenses.....		523-529

JUDICIAL DEPARTMENT.

County Attorneys		
salaries of		527-533
District Judges		
salaries of district judges.....		527-533
expenses of judges sitting in places not their residences and in places of other judges.....		527-533
deficiency expenses for year ending February 28, 1917.....	1	516
Supreme Court		
salary of three justices.....		527-533
compensation for reporting decisions.....		527-533
salary of clerk.....		527-533
salary of stenographer.....		527-533
salary of marshal.....		527-533
salary of attendant.....		527-533
office and other expenses.....		527-533
expenses of court, not otherwise provided for.....		527-533
for filing cases.....		527-533
printing Montana reports.....		527-533

STATE INSTITUTIONS.

Farmers extension work in co-operation with Federal government		514-515
farmers institute		513-515
Fifteenth Legislative Assembly		
incidental expenses.....	1	507
mileage and per diem of members.....	1	507
per diem of officers and attaches.....	1	507
secretary of senate and chief clerk of house.....	1	510
Fish Hatchery in Park County	2	508
Hospital for Inebriates		513-514
Industrial School		
maintenance and betterment.....		513-514

INDEX

STATE INSTITUTIONS—(Continued)

	Sec.	Page
Insane Asylum, State		
care of inmates.....		513-514
insane (deficiency)	1	515
National Guard		
temporarily disabled for relief outside of soldiers' home.....		513-515
Northern Montana Agricultural and Manual Training and Sub-station		
maintenance		514-515
repairing buildings		514-515
School of Mines		
maintenance		513-514
State Historian		
salary and expenses.....	4	60
State Normal School		
maintenance and betterment.....		513-514
State Orphan's Home		
maintenance and betterment.....		513-514
State Prison		
care of prisoners.....		513-514
State School for Deaf, Blind, and Feeble Minded		
maintenance and betterment.....		513-514
Soldiers' Home		
constructing and furnishing a dormitory, library and assembly room	1	533
maintenance and betterment.....		513-515

MISCELLANEOUS APPROPRIATIONS.

Bank of Gallatin Valley.....	1	519
work and materials for agriculture and mechanical art.....	1	519
bounty claims disallowed by state board of examiners on technical ground	1	510
Cooney, S. A., expenses to Washington.....	1	512
Daly, Thos., deputy state fire marshal, on account of judgment obtained against him.....	1	518
Driscoll, Tim, transportation of prisoners.....	1	516
Gottschalck, C. A., traveling expenses.....	1	512
Great Northern Express Co., expressage.....	1	512
Independent Publishing Co., printing.....	1	512
Independent Publishing Co., printing and services.....	1	519
Link & Haire, blue prints.....	1	512
McTague, Thomas	1	519
Manhattan Malting Co., for fees erroneously paid secretary of state in 1910.....	1	519
Mansur, C. M., assigned to H. L. Hart, state treasurer.....	1	519
Montana Record-Herald	1	519
Moran, R., for extra clerk hire in office of state boiler inspector	1	519
Morris, M. C., expenses as presidential elector.....	1	519
Normal Training in High Schools.....	1	505
Price, Richard	1	519
Pomeroy, Wm. B., claim for judgment against state of Montana	1	520
refunding money paid on unexpired liquor licenses in Richland county	1	508
Silver Bow county, refunding taxes erroneously collected for year 1915	1	517
Snow, F. C., expenses.....	1	512
Starz, Emil, salary and supplies.....	1	512
Stockett, Howard N.....	1	519
vocational education	6	174
Whyte, F. W. C.....	1	519
Wiggenhorn, R. C., additional salary as county attorney.....	1	519

ARCHITECTS.

all fees and moneys received for licenses, credited to what fund	9	403
annual license fee required.....	10	403
applicant entitled to second examination within year, when.....	8	402
applications for certificate to practice architecture	3	400
architectural board fund created.....	9	402
architectural board fund, moneys to be paid out upon what warrant only	9	403
architects licensed by other states, may practice.....	3	401
architects practicing at date of act, not required to be examined	7	402
Board of Architectural Examiners		
annual elections of officers.....	2	400
annual report	9	403

INDEX

ARCHITECTS—(Continued)

	Sec.	Page
appointment and vacancies.....	1	400
compensation and mileage allowed.....	9	402
expenses of, not to exceed fees collected.....	9	403
meetings	2	400
president, power to administer oaths, when.....	2	400
records and register to be kept.....	2	400
secretary, power to administer oaths, when.....	2	400
certificates to practice must be recorded, where and when.....	4	401
certificate to practice shall be granted, when and to whom.....	3	401
co-partners must each have a license.....	7	402
demit to be issued to architect moving from state, when.....	11	403
examination not required of whom.....	7	402
examination required	3	400
fee of county clerk.....	4	401
fee upon application for examination.....	8	402
Governor shall appoint board of architectural examiners.....	1	400
license fee	7	402
license granted to present practitioners, to show what.....	7	402
licenses may be revoked on what grounds.....	12	403
money received from applicant to be paid into what fund.....	8	402
practicing without a license, a misdemeanor.....	6	401
president, power to grant temporary certificate, when and to whom	3	401
seal, every licensed architect required to have.....	5	401
state treasurer, directed to do what.....	9	403
temporary certificates may be granted, when and by whom....	3	401

ASSIGNATION.

building or place where same is carried on or occurs, a nuisance	2	162
--	---	-----

ATTORNEYS AND COUNSELLORS.

action against for the collection of attorney's license fee.....	16	154
all expenses and compensations to be paid out of what fund and how	14	153
attorney's fees not to be allowed by court, when.....	15	153
attorney-general's expenses to be paid out of what fund.....	13	153
attorney-general shall prosecute charges against attorneys....	8	151
balance of attorneys' license tax fund transferred to state law library fund, when.....	17	154
Charges Against		
filed before attorney general, proceedings.....	9	152
made before district court, proceeding.....	9	152
filing of, when complaint made to attorney general.....	9	152
clerk of the supreme court to issue summons, when.....	8	151
clerk of the supreme court shall issue summons, when.....	9	152
complaint of illegal or unprofessional conduct.....	8	151
compensation and expenses of special counsel.....	10	152
Admittance to the Bar		
applicant entitled to second examination when and within what time	7	151
examination fee, to be paid into what fund.....	7	151
fees to be paid by applicant.....	7	151
Examining Board		
duties	5	150
expenses to be fixed and paid out of what fund.....	6	151
majority to constitute a quorum.....	5	150
supreme court may appoint.....	5	150
supreme court may dismiss or remove members.....	5	150
traveling and other expenses to be allowed.....	6	151
fees and mileage of witnesses.....	12	153
investigation by attorney-general of charges.....	9	152
investigation of charges against.....	8	151
license tax, certificate upon payment of.....	2	150
license tax to be paid by.....	2	150
money collected from license tax to be placed in what fund	3	150
municipalities shall not impose a license tax upon.....	2	150
not to practice before any court of record, until when.....	4	150
payment of cost, fees and mileage.....	12	153
penalty for practicing before court without license.....	4	150
practicing law, what deemed.....	1	149
procedure on trial of charges.....	11	153
special council may be appointed to investigate charges against attorney	10	152
summons, form of	8	151
supreme court may make rules concerning practice and procedure	11	153
trial of charges to be had, when.....	8	151
who shall pay license tax.....	2	150

INDEX

	Sec.	Page
ATTORNEY GENERAL.		
action by, to collect license fee of private car company.....	8	137
action to enforce penalty against private car company.....	5	136
duty when corporation charged with unfair discrimination.....	2	130
ex-officio attorney for commissioner of agriculture and pub- licity	45	272
express companies, action to be brought to enforce penalty, when	5	144
powers and duty to inquire into violation of intoxicating liquor law	12	244
power to designate one deputy to perform certain official duties	1	190
shall institute proceedings for appointment of receiver and winding up bank, when.....	50	228
AUTOMOBILES.		
(See also index "Motor Vehicles"; Ch. 75)		
motor vehicles defined.....	2	53
power of cities to regulate automobiles and their speed.....	1	53
unlawful to have in possession, etc., any automobile or motor car from which manufacturers' serial number has been removed	1	53
violation of provision concerning the removal of manufacture serial number	2	53
BANKS AND BANKING.		
amount of reserve, required to be kept by reserve banks.....	50	228
capital stock increased or decreased, place of business changed, etc., when.....	16E	276
capital stock may be increased or diminished, how.....	16A	275
certificate of authorization, refusal of by superintendent, final certificate of result of meeting to increase capital stock, etc., required to be filed and recorded, where.....	1	274
change in place of business may be made when and how.....	16E	276
corporate name may be altered, changed or amended.....	16C	275
corporate name may be altered, changed or amended.....	16B	275
Deputy Superintendent		
annual salary of.....	3	274
bond which may be required of him.....	3	274
powers and duties.....	3	274
qualifications and bonds of deputies.....	3	274
failing to make reserve good.....	50	228
first meeting of corporation may be called by whom.....	11	274
liable for money collected on negotiable instruments for- warded for collection	2	168
liability of, in forwarding for collection negotiable instru- ments	1	168
liability of maker, endorser, etc., to banks upon negotiable instruments deposited for collection.....	2	168
limit of indebtedness of borrowed money or re-discounts.....	50	228
meeting to change name, place of business, increase or de- crease capital stock, proceedings at.....	16E	276
notice of first meeting of corporation.....	11	274
notice of meetings to increase or diminish capital stock, change names, etc.	16D	275
number of shares required to vote favoring increase or de- crease of capital, change of name, etc.	16D	275
reserve agents; what banks may be designated as such.....	50	228
reserve, amount required to be kept.....	50	228
reserve, how estimated	50	228
Reserve Banks		
designation as reserve bank may be withdrawn, when and by whom	50	228
which are effected by act.....	50	228
salaries of stenographers and clerks.....	3	274
state bank department created.....	3	274
Superintendent		
additional deputies which he may appoint.....	3	274
authorized to cancel certificate of authorization if first meet- ing not held within what time.....	11	274
may designate, what banks as reserve agents.....	50	228
power to appoint stenographers and clerks.....	3	274
shall appoint a chief deputy superintendent.....	3	274
shall file additional bond, when	3	274
state examiner shall be designated as such.....	3	274
shall notify attorney-general when bank fails to make re- serve good	50	228
shall notify bank to make good its reserve, when.....	50	228

INDEX

BANKS AND BANKING—(Continued)	Ser.	Page
trustees and directors, number of may be changed how.....	16C	275
when reserve falls below required amount, banks shall not increase its loan or discount.....	50	228
BILLIARD HALLS.		
(See index, "Pool and Billiard Halls")		
BLAINE COUNTY.		
embrace within eighteenth judicial district.....	1	35
BOARD OF STOCK COMMISSIONERS.		
(See also, Index, "Live Stock")		
consolidated with board of sheep commissioners.....	1	54
BOARD OF SHEEP COMMISSIONERS.		
consolidated with board of stock commissioners.....	1	54
BOARD OF RAILROAD COMMISSIONERS.		
shall fix fares for transporting prisoners and guards.....	1	2
shall enforce act concerning the cooping and cleaning of box cars	7	58
BOUNTIES.		
for killing coyote.....	1	79
for killing grown wolf.....	1	79
for killing wolf and coyote pups.....	1	79
for killing mountain lions.....	1	79
BOWLING ALLEYS.		
to be closed during what hours.....	3	33
BOX CARS.		
shall be put in condition upon written complaint.....	2	57
BRIDGES.		
Within Cities and Towns		
act not to prohibit cities and towns from constructing and maintaining bridges	7	85
bridges constructed under act to be under management and control county commissioners.....	6	85
bonds may be issued by county commissioners, when.....	5	85
cities and towns to maintain approaches.....	3	85
cities and towns to pay what portion of cost of construction and maintenance	3	85
controlled by board of county commissioners.....	1	84
county commissioners may levy special tax, when.....	4	85
planking and replanking to be paid by the city.....	3	85
police regulations under control of cities and towns.....	6	85
replanking and repaving shall be done, when.....	6	85
question of construction to be submitted to electors, when.....	5	85
special taxes may be levied to defray cost.....	4	85
street railroads using same to pay what portion of the cost	2	84
to be constructed and maintained by county.....	1	84
BULLS.		
not of pure bred breed running at large, castration of.....	1-2	83
BUTTERINE.		
license to be paid by dealers in.....	1	172
CAPITOL BUILDING BONDS.		
amount which may be issued for refunding purposes.....	1	11
authority of state board of examiners to issue.....	1	10
called in, when.....	6	13
denomination of	1	11
disposed of, how.....	2	12
disposition of money derived from sale of.....	9	14
interest shall be paid out of what fund.....	3	12
lien upon what lands.....	8	13
number of bonds to be issued.....	10	14
paid out of what fund.....	3	12
rate of interest formed and execution thereof.....	1	11
redeemable, when	1	11
sinking fund, investment of surplus.....	3	12
state not liable for payment of bonds or interest.....	8	13
state to be reimbursed when paying interest, out of what fund	4	12
state treasurer, custodian of funds.....	5	13
term of	1	11
warrants pay interest thereon.....	7	13

INDEX

	Sec.	Page
CARTER COUNTY.		
adjustment of indebtedness of Fallon county.....	4	72
bonds of, authorized to be issued for what purpose.....	7	74
boundaries of	1	71
commission to apportion indebtedness between Fallon and Carter county	4	73
constables, appointment of.....	12	75
County Commissioners		
duty concerning election to select county seat.....	3	72
power in paying indebtedness to Fallon county.....	7	74
power to contract for transcribing and indexing records.....	9	74
power to divide county into townships and establish road districts	12	75
creation of	1	71
Ekalaka, temporary county seat.....	3	72
Elections		
ballot to be used at election to select county seat.....	3	72
city or town to be declared the permanent county seat.....	3	72
result of election for county seat to be entered, where.....	3	72
to select county seat, to be held when and how.....	3	72
embraced in sixteenth judicial district.....	2	72
justice of the peace to be appointed by whom.....	12	75
laws which are made applicable to.....	3	72
Officers		
appointed and named.....	10	74
compensation and salaries.....	11	75
not provided for in act, appointment.....	12	76
oaths and official bonds.....	10	75
powers and terms of office.....	10	75
salaries of, shall not be increased until when.....	11	75
records of Fallon county to be transcribed and indexed.....	9	74
road supervisors, appointment of.....	12	75
school money to be paid to by Fallon county.....	8	74
treasurer of Fallon county to pay over district school money to Carter county.....	8	74
CHILDREN.		
Dependent		
Allowance to, cease when.....	5	139
amount to be allowed family per child	2	138
conditions or circumstances under which allowance to, may be made	3	138
county commissioners to draw warrants for allowance.....	4	139
court order making allowance to continue what.....	4	139
fraudulent applications for aid, penalty.....	7	139
judgment upon conviction or willful failure to care for, edu- cate and support child under sixteen.....	1	119
judgment which may be entered in case of desertion or aban- donment of child under fifteen years.....	1	119
limit to amount to be paid one family.....	2	138
misdeemeanor for father to neglect, refuse or fail to educate, care for and shelter child under sixteen years of age	1	117
support to be furnished by, when	1	137
determination of number of feeble minded, deaf, dumb and blind, in state.....	1	226
CHILD WELFARE DIVISION.		
(See Index, "State Board of Health"; Ch. 121)		
CHOUTEAU COUNTY.		
embraced within the twelfth judicial district.....	2	35
CIGARETTES.		
license to be paid by person selling cigarette papers, etc.....	1	172
CITIES AND TOWNS.		
additional tax which may be collected for public parks.....	1	29
authority to maintain swimming pools, skating rinks and play grounds	1	44
Band Concerts		
classes of cities which may give.....	1	26
local bands only to be employed.....	1	26
may provide public band concerts, when.....	1	26

INDEX

CITIES AND TOWNS—(Continued)

	Sec.	Page
Bridges		
approaches to, constructed and maintained by city.....	3	85
bond issue, to be submitted by county commissioners, when.....	6	85
levy of special tax for by county commissioners.....	4	85
management and control of in county commissioners.....	6	85
paving, plankng, repaving, replanking to be paid for by city.....	3	85
police regulations under control of city.....	6	85
portion of cost and maintenance to be paid by city.....	3	85
power of city to construct and maintain other bridges.....	7	85
replanking and repaving to be done when.....	6	85
special tax levy may be made when.....	5	85
street and suburban railroads to pay portion of cost.....	2	84
to be constructed and maintained by county.....	1	84
Board of Health		
powers regarding enforcement of Chapter 160.....	3	406
City Clerk		
act not to apply when.....	1	14
duties regarding the issuing of liquor dealer's license.....	1	414
salary and compensation to be fixed, how.....	1	14
salary in different classed cities.....	1	14
salary to be full compensation for all services.....	1	14
City Council		
ordinances, resolutions and rules concerning swimming pools and places of amusement.....	2	44
donations, gifts and grants may be made by whom and of what property.....	2	8
Fire Department		
chief or captain of may recall members when.....	1	155
council may make rules and regulations governing.....	2	155
hours of labor for members and employees.....	1	155
list of members for jury services to be filed with county clerk, when and how.....	1	21
grants, donations, gifts, bequests and devices to, deemed for what particular purpose.....	1	8
limit of amount of taxes to be assessed for general municipal purposes.....	1	29
livestock shall not be permitted to run at large in.....	1	87
places of amusement to be established and maintained from park fund.....	1	44
Flatting		
abstracts of title must be certified to by whom.....	3	195
abstract of title must be filed with plat.....	3	195
abstract must be submitted and certified by whom.....	3	195
abstract must show judgment quieting title when.....	3	195
accurate surveys and plats of cities and towns and additions required.....	1	194
action to quiet title must be brought when.....	3	195
all mortgages and liens against ground platted must be relinquished.....	3	195
certificate of plat must show what.....	4	196
county commissioners and city council may diminish area re- quired for parks and play grounds.....	2	195
duplicate plats must be prepared when land is outside city limits.....	4	196
parks and play grounds may be distributed how.....	1	194
plat must be certified by whom before filing.....	4	196
plat must be duplicated and submitted to city council.....	4	196
plat must be submitted to county commissioners and certi- fied before filing.....	4	196
plats shall show what.....	2	194
platting suburban or small acreage, proceedings.....	5	197
surveys and plats to be filed where.....	1	194
when one certified copy must be filed with mayor and city clerk.....	4	196
power to regulate speed of automobiles and motor vehicles.....	1	53
power to take by gift, donation, grant, device or bequests.....	1	7
purposes for which property given, donated, etc., to be used.....	2	8
City Treasurer		
duty in issuing liquor dealers license.....	1	414
Water Supply		
unlawful to pollute.....	1	28
CITIES AND TOWNS; MANAGER PLAN.		
abandonment of plan may be had when.....	117	321
administrative departments enumerated.....	61	303
all public works begun prior to act to be continued.....	114	321
appointment or promotion not deemed complete until when.....	78	312
appropriation of accruing revenue or unexpended balance.....	109	320

INDEX

CITIES AND TOWNS; MANAGER PLAN—(Continued)	Sec.	Page
appropriations, proceedings in passing ordinances.....	106	319
appropriations which may be made or changed by first commission	107	319
authorized to abandon its organization and reorganize under act	1	283
bonds of officers, clerks and employees	111	320
book and accounting system.....	68	307
Chief Examiner		
duties of	76	312
position in classified service shall be filled from what list by	76	312
City Manager		
appointment of	57	302
may make investigation of any officer or employee without notice	60	303
powers and duties.....	58	302
salary	59	303
salary to be fixed by ordinance.....	110	320
shall appoint directors of each department.....	62	303
shall fix number and salaries of what officers and employees	110	320
shall have power to suspend chief of police and fire chief, for what cause.....	67	307
shall submit estimates of expenditures and revenue, when.....	105	318
cities incorporated under act shall be bodies politic and corporate	10	285
city limits	8	284
city may acquire property, how.....	10	285
Civil Service		
classification	74	311
classified service shall comprise what.....	74	311
continuation of classified service from old government.....	81	313
discharging and reducing employees in rank.....	79	312
participation by officer and employees in politics, forbidden politics, race or religion not to affect appointments, removals, etc., in classified service.....	84	313
Civil Service Board		
appointment and terms of office.....	73	311
appropriations for carrying out civil service provision.....	86	314
appeals to, when.....	80	313
members may be removed, how and when.....	73	311
organization, officers and employees.....	73	311
period of probation.....	78	312
powers to enforce production of evidence, etc.....	83	313
salaries of and its employees to be determined by whom.....	86	314
shall adopt rules and regulations, providing what.....	75	312
shall provide for promotions, how.....	77	312
to determine penalties for violating civil service provisions.....	85	313
Commissioners		
absence for five consecutive meetings operates to vacate seat of member	50	299
clerk to be appointed and perform what duties.....	53	301
clerk to publish names of candidates at primaries.....	16	289
continuous audit to be made of books of account, etc.....	54	301
duties and procedure in vacating, narrowing, or changing streets and alleys.....	96	316
duty in granting or renewing any franchise.....	101	317
duty in passing appropriation ordinances.....	106	319
duty to provide for care of public highways, streets, etc.....	93	316
election of commissioners to be called, when.....	6	284
election of shall be conducted and vote canvassed, how.....	7	284
if mayor recalled who to act as mayor.....	47	299
may appoint municipal plan board and advisory board.....	63	304
may discontinue and combine any of several departments, etc.	61	303
may renew any public utility grant, when and how.....	99	317
meetings of	50	299
meetings and records of to be published.....	50	299
notice of election shall be published and posted.....	6	284
notice of special meetings.....	50	299
number of commission according to population.....	12	287
official oath and bonds.....	45	298
order calling election of commissioners issued when.....	6	284
petition for removal of to be filed with whom.....	21	292
power of first commission concerning appropriation ordinances	107	319
power to provide by ordinance for removal of ice and snow from sidewalks	116	321
qualifications	14	287
quorum	48	299
removal of by election.....	21	292
salary of members.....	49	299

INDEX

CITIES AND TOWNS; MANAGER PLAN—(Continued)	Sec.	Page
shall appoint a city manager.....	57	302
shall appoint civil service commission board.....	73	311
shall appoint police judge.....	72	311
shall constitute governing body, with what powers.....	12	287
shall keep journal of proceedings and determine its own rules and order of business.....	50	299
shall provide for local improvements.....	87	314
term of first set to begin, when.....	13	287
term of office.....	13	287
vacancies in shall be filled how.....	14	287
vea and may vote to be called and recorded, when.....	48	299
condemnation of property.....	97	317
continuous audit of previous year to be printed and copies furnished to whom.....	54	301
continuous audit to be kept by whom and include what.....	54	301
contracts exceeding \$250.00 must be approved by whom.....	71	310
contract for public advertisement.....	73	310
Department of Finance		
books and financial accounts and accounting required.....	68	307
Directors		
custodian of all money and property.....	68	309
duties of	68	307
duties and powers regarding assessments for public improve- ments	68	308
investigation before warrant is drawn.....	68	308
shall collect, keep and disburse all monies.....	68	309
shall inspect supplies.....	68	309
shall not pay salary in classified service until when.....	82	313
shall not purchase or furnish any supplies excepting, when.....	69	309
shall require directors of departments to issue requisitions quantity of supplies to be paid for.....	68	309
shall sell real and other property not needed.....	68	309
shall issue all licenses and collect all fees.....	68	308
no warrant shall be issued for payment of any claim unless evidenced by what.....	68	308
shall issue all licenses and collect all fees.....	68	308
shall have supervision over the accounts of all departments	68	307
shall require systems of accounting and records in detail, and reports	68	307
Department of Law		
duties of head of department.....	64	304
head of department, qualifications.....	64	304
head of department shall be known as City Attorney.....	64	304
Department of Public Safety		
additional patrolmen and officers for temporary services.....	67	306
chief of police may be suspended when and by whom.....	67	307
chief of police shall have exclusive control of what.....	67	306
Director		
duties and powers.....	67	306
shall be administrative head and responsible for what.....	67	305
shall be executive head of division of police.....	67	306
shall have power in making investigations to do what.....	67	306
Fire Chief		
authority and duty.....	67	306
may be suspended by whom and upon what cause.....	67	307
officers and employees may be reduced in rank or dismissed, when and how.....	67	306
officers and employees may be suspended, when and by whom	67	306
police force to be composed of, whom.....	67	306
proceedings upon the suspension of the chief of police or fire chief	67	307
relief for injured police or firemen may be provided out of what fund	67	307
shall be under the supervision and control of city manager.....	67	305
special policemen, detectives and police officers.....	67	306
Department of Public Service		
Director		
duties and powers concerning plats and maps.....	91	315
powers and duties concerning sewer, water and gas con- nections	88	314
shall be subject to the control and supervision of the city manager	65	304
shall manage and have charge of, what.....	65	304
supervisor of plats.....	91	315
to be subject to the supervision and control of city man- ager	66	305

INDEX

CITIES AND TOWNS; MANAGER PLAN—(Continued)

Department of Public Welfare	Sec.	Page
Director		
duties and powers of.....	66	305
Health Officer		
duties and powers of.....	66	305
shall be under the direction and control of the director.....	66	305
Directors of Departments		
each shall conduct the affairs of his department, how.....	62	303
liability of directors of departments.....	68	308
shall be responsible for what.....	63	303
eight hour day provided.....	115	321
Elections		
Ballots		
form and contents of at election to adopt plan.....	4	283
form of, at all elections.....	17	291
names of candidates to be printed in rotation, how.....	18	292
official primary, form, etc.	17	290
candidates for commissioner, published statement of all his election expenses.....	20	292
candidates nominated to be placed on ballot at municipal election.....	17	291
canvass of vote to be made by clerk of commission, when challenges of electors, laws applicable to.....	17	291
clerk of commission to cause ballots to be delivered at place of election.....	17	291
conducted, vote canvassed and result declared in, to to adopt plan.....	4	283
false swearing and fraudulent voting.....	30	295
for abandoning plan, may be held how often.....	117	322
for commissioners, shall be held when.....	19	292
judges and clerks must be appointed at first election, by whom.....	9	285
judges to make canvass of vote and returns, when.....	17	291
mayor's proclamation calling first special election, contents of.....	3	283
name of candidates at primary election to be published, when and how.....	16	289
nominations to be by primary elections.....	16	288
Election of Officers		
ballots, form and contents of.....	18	290
ballots, number to be delivered at each voting place.....	17	291
ballots to be without party designation.....	17	290
county commissioners shall give notice of election of first officer.....	9	285
penalty for agreeing to perform services for value for any candidate.....	29	295
petition to be filed by candidate for nomination.....	16	289
proposition to organize under Act, if lost, cannot again be submitted until, when.....	5	284
Recalled Elections		
all recalled petitions shall be assembled and filed, when and where.....	24	293
ballots, requirements of.....	26	294
candidates must be nominated to fill vacancies before election held.....	26	294
duty of clerk to submit petition and notify officer to be recalled.....	25	293
nominating petition to be signed by what number.....	26	294
officers shall be deemed removed, when.....	27	294
officers to continue in office, when.....	27	294
petition papers shall be signed, how.....	23	293
petition to be verified, how.....	23	293
recalled petition against commissioner shall not be filed, when.....	28	294
shall be fixed and held, when.....	25	293
Removal Elections		
affidavit required to obtain petition papers.....	22	293
number of electors required on petition for removal.....	21	293
petition papers to be procured from whom.....	22	293
record of petition papers issued.....	22	293
results of, to be published by whom.....	17	291
qualifications of electors.....	9	285
qualification of electors.....	17	291

INDEX

CITIES AND TOWNS; MANAGER PLAN—(Continued)	Sec.	Page
special election submitting question of organizing under act, to be called, when.....	2	283
statement to be filed by qualified candidate for nomination.....	16	288
taking, receiving or offering bribes to any elector.....	30	295
what shall be known as special elections.....	19	292
employees discharged or reduced in rank to be furnished with reasons, stated in writing.....	79	312
employees holding classified service in old municipality, to continue until, when.....	81	313
employees reduced to lower rank or discharged must be given a hearing.....	79	312
estimates of expenditures and revenues to be made when and to contain what.....	105	318
existing contract of municipality to continue in force.....	111	321
expenditures, classification of.....	105	318
expenditures, number of copies of estimates required.....	105	319
fees and moneys received to be paid into the city treasury free tickets, passes, franks, etc., not to be accepted by any commissioner, officer or employee.....	16	288
fiscal year shall begin, when.....	105	318
form of government under act to be known as Commission Manager Plan.....	12	287
Franchise		
consent of abutting property owners not required, except when.....	104	318
exclusive, shall not be granted or renewed.....	100	317
extending public utilities beyond city limits.....	103	318
not to be renewed prior to two years before expiration.....	100	317
nothing in ordinance granting or renewing, shall prevent municipality from exercising right of eminent domain rates to be charged for service to be prescribed by ordinance.....	102	317
right to purchase must be reserved in grants or renewals thereof.....	101	317
to occupy or use streets, highways, etc., must be authorized by authority of electors.....	102	317
98	317	
funds, transferred of.....	108	319
funds which shall revert at the close of fiscal year.....	109	320
general rights and powers.....	10	285
inspection before vouchers issued.....	68	308
investigation of financial transactions of offices and departments.....	56	302
investigations, contempt of witnesses in.....	56	302
investigations; powers which may be exercised in making laws and ordinances, which shall remain in force.....	56	302
8	284	
laws continued in force, etc.....	118	322
laws which this act shall not repeal or modify.....	119	322
liabilities and vested rights to remain and pending actions not effected.....	8	285
Local Improvements		
commission has power to provide for construction, etc.....	87	314
power of commission to levy taxes for.....	87	314
shall be done under what provisions of law.....	87	314
Mayor		
salary of.....	49	299
shall be chosen by commissioners, when.....	46	298
shall be presiding officer.....	46	298
shall be recognized as official head of municipality.....	46	298
shall be the commissioner receiving the highest number of votes.....	46	298
shall exercise what powers.....	46	298
shall issue proclamation calling commissioners election, setting forth, what.....	6	284
shall transmit certificates to Governor, etc., when reorganization plan carries.....	5	284
vacancy in office to be filled by whom.....	46	298
when recalled, commission shall elect one of their number to serve as.....	47	299
20	292	
misdemeanors; violation of section twenty.....	20	292
money shall not be drawn from the treasury or obligation incurred except pursuant to an appropriation.....	109	320
new cities and towns may organize under act.....	9	285
Officers and Employees		
officers to be elected if manager plan is abandoned.....	118	322
may be chosen by commission.....	53	301
shall not be interested in any contract job, etc.....	15	287
shall not hold any other public office except, what.....	15	287

INDEX

CITIES AND TOWNS; MANAGER PLAN—(Continued)	Sec.	Page
official oath required.....	113	321
old officers to hold over until, when.....	112	320
Ordinances and Resolutions		
appropriation ordinances, proceedings in adopting.....	106	319
commission to reconsider, when.....	39	297
conflict in referendum ordinances, which to prevail.....	42	298
"Emergency measure" defined.....	52	301
emergency measures to take effect when, and repealed by referendum, when.....	43	298
enacting clause.....	51	300
granting any franchise or right to use streets, require- ments.....	98	317
granting franchises must first be authorized how.....	98	317
how revised or amended.....	51	300
not to be passed on the day on which it was introduced, except when.....	51	300
Proposed Ordinances		
ballots to be used in voting upon proposed ordinance.....	37	296
ballots used in referendum election shall conform to what requirements.....	40	297
duty of clerk when proposed ordinance is certified to him petition proposing.....	35	296
petition proposing shall be assembled and filed with whom.....	31	295
petition proposing ordinance shall be signed, how.....	33	296
proceedings to be had upon filing of petition proposing referendum petitions need not contain, what.....	32	295
repealing existing ordinance may be submitted to com- mission, how.....	33	296
shall be certified to the clerk, when and by whom.....	40	297
shall be executed how and filed with clerk, when recorded shall be in what form and contain what.....	37	297
shall be submitted to vote of elector, when.....	34	296
submitted to commission by initiative petition and passed subject to referendum, how.....	51	300
shall be recorded and authenticated by whom.....	51	300
shall go into effect, when passed by commission, when.....	35	296
title of each, at least, shall be published, when.....	55	302
to take effect, when.....	38	297
upon petition for repealing being filed, commission shall submit to a vote, when.....	55	203
when deemed repealed by vote of the people.....	52	301
when adopted in a modified form may be submitted to vote, how.....	39	297
when fiscal ordinances are referred, all preliminary steps may be taken up to date of election.....	39	297
which shall not be passed as emergency measure.....	33	296
petition to organize under act to be signed by whom.....	44	298
plan may be abandoned, when.....	52	301
Plats	2	283
duties of director of public service concerning.....	117	321
of land within or within three miles of corporate limits, not entitled to record until, when.....	91	315
plats and surveys of lots and grounds required, when.....	90	315
recorded under provisions of law, sufficient conveyance of what.....	89	315
streets and alleys required to be shown upon.....	90	315
who shall be supervisor of.....	92	315
police force.....	91	315
police judge shall be appointed by whom.....	67	309
powers and duties conferred by law, if office or board abolished, to be discharged by whom.....	72	311
property may be assessed for cost of removing weeds and rubbish therefrom.....	112	320
proposals for furnishing supplies, etc.....	116	321
provisions concerning franks, free tickets, etc., not to apply to policemen, when.....	68	310
public advertising shall be done how and when.....	15	288
purchases in case of emergency may be made, when and how.....	70	310
rights and powers enumerated, not exclusive, but are additional.....	68	309
salaries or compensation in classified service not to be paid until pay-roll shows what.....	11	286
salaries shall be fixed annually by ordinance.....	82	313
salaries shall be uniform in each grade of service.....	110	320
salaries and rates of pay shall be reported to whom.....	110	320
sewer, water and gas connections, provisions concerning sinking fund trustees, who shall be, and duties.....	110	320
	88	314
	68	310

INDEX

CITIES AND TOWNS; MANAGER PLAN—(Continued)

	S. c.	Page
Streets and Alleys		
dedication of, must be accepted and confirmed, how.....	94	316
intention to vacate and narrow must first be declared, how	96	316
not to be accepted unless.....	92	315
proceedings required when vacating, changing name of, or narrowing	96	316
to be opened, straightened, etc., when and by whom.....	94	316
supplies may be purchased by departments, when.....	68	309
term of mayor and counsel of old organization to cease, when	13	287
terms of officers shall expire, when.....	13	287

CLERK OF THE DISTRICT COURT.

duty to publish petition for the change of county name.....	6	185
no fees to be charged in matters of farm loans.....	12	204
to transmit certificate of judgment changing county name....	8	186

CLERK OF THE SUPREME COURT.

duties in enforcing collection of attorney's license fee.....	16	154
certificate of payment of attorney's license tax, to be issued by	2	150
duty to pay money collected into what fund.....	3	150

COMMISSIONER OF AGRICULTURE AND PUBLICITY.

application for and license to be issued by, to grain dealers	24-25	265
duties to issue licenses to grain dealers.....	8	62

COMMISSIONER OF INSURANCE.

duty concerning financial condition to be maintained by fraternal societies	23a	410
---	-----	-----

CONGRESSIONAL DISTRICTS.

division of state into two districts.....	1	47
first congressional district, territory embraced.....	1	47
new counties to be in what districts.....	2	48
second congressional district, territory embraced.....	1	47

CONSTITUTION.

proposed amendment exempting mortgage debts from taxation	1	238
proposed amendment to section fifteen of article XII.....	2	502

CONVICTS.

allowance of extra good time.....	1	79
-----------------------------------	---	----

Consolidation

CO-OPERATIVE ASSOCIATIONS.

certified copy of certificate to be filed with Secretary of State	2	235
certificate of consolidation required, and to be filed, where	2	235
directors shall call meeting of stockholders, when.....	1	235
directors shall publish notice of, when.....	1	235
new consolidated associations deemed successor to old.....	2	236
notice of, to be given when, and contain what.....	1	235
obligations and contracts not impaired.....	4	237
old associations deemed extinct, when.....	3	236
property, rights and liability to which new associations succeeds	3	236
requests of majority of stockholders necessary before consolidating	1	235
terms of, must provide, what.....	2	236
two or more co-operative associations may consolidate their affairs	1	235

CO-PARTNERSHIPS.

terms and words which may not be used by.....	1	406
---	---	-----

CORPORATIONS.

bonded indebtedness of, may be increased, how.....	1	148
business of, may be extended or changed how.....	1	148
capital stock shall not be diminished below what amount.....	1	148
certificate of proceeding of meeting, contents, and where filed	1	148
increasing or diminishing amount of capital stock, proceeding meeting to increase or diminish capital, issue bond or change or extend business.....	1	148
no stock or bonds shall be issued except for value received....	1	148
number of shares necessary to increase or diminish capital stock, change or extend business.....	1	148

INDEX

CORPORATIONS—(Continued)

Service of Process on	Sec.	Page
duty of Secretary of State when served upon him.....	3	40
how service of summons and complaint to be made upon the Secretary of State.....	2	40
may be served upon by serving same upon Secretary of State, when	1	40
when service of other notices required by law, to be on Secretary of State.....	5	41
when service of process is made upon Secretary of State, it shall be deemed personal service.....	4	41
terms in name or title not to be used, when.....	1	406

CORPORATION LICENSE TAX.

(See also Index, "Express Companies;" Ch. 87)		
(See also Index, "Private Car Companies;" Ch. 82)		
all corporations shall pay what license fee.....	1	120
annual report of net income to be in what form.....	4	126
annual statement of net income to be made by corporations, when	4	126
appeals to state board of equalization concerning corrections of returns	8	128
arbitrary deduction, allowed.....	2	124
ascertaining net income when entirely engaged within the state	2	122
assessment, refusal or neglect to make, or erroneous or false or fraudulent returns.....	5	127
assessments shall be made when and by whom.....	5	127
assessments shall be paid on or before what date.....	5	127
assignees shall make return of income, when.....	4	127
assignees, trustees and receivers, duty to pay net income.....	4	127
capitol stock, amount considered paid up when stock issued without par value.....	2	123
corporations not coming under provisions of act.....	1	121
courts, jurisdiction of district court, 1st judicial district.....	8	128
deductions for interest paid limited.....	2-1	123
deduction of taxes paid this state or other governments.....	2	124

Doing Business Within and Without the State

Deductions

arbitrary deduction allowed.....	3	125
interest paid	3	125
interests, when engaged in inter and intra state business	3	125
interest which cannot be deducted.....	3	125
losses in business, what to constitute.....	3	124
losses sustained in business within state not insured.....	3	124
not allowed for new building, improvements, betterments, wear and tear.....	3	124
taxes paid within the state excepting local benefit assessments	3	125
taxes to be deducted when engaged in inter and intra state business	3	125
necessary business expenses paid out of income.....	3	124
net income ascertained how, when corporations doing business partly within and partly without the state.....	3	124
net earnings to be determined how, when incorporations engaged in inter and intra state business.....	3	125
duties regarding corporations license tax.....	5	127
duty of State Treasurer, deeming returns are under stated effect of adjudicating any section of act as unconstitutional or void.....	8	128
fiscal year of corporation may be designated by it.....	9	128
fiscal year of corporations, notice of to be given to State Treasurer	4	126
fiscal year of corporation to be used in computing net income, when	4	126
foreign corporations to pay on net income for business done in the state.....	1	120
forfeiture of right to do business in state, when and for how long	6	123
indebtedness, what considered interest bearing.....	2	123
interest paid on secured indebtedness may be deducted as expenses	2	123
license fee to be computed upon calendar year, when.....	4	126
lien of state for license fee, penalties and interest.....	5	127
losses to be deducted from gross income, when.....	2	123
necessary expenses deducted from gross income.....	2	123
necessary expenses, what included in.....	2	123
net income of corporations engaged in inter-state commerce	1	121

INDEX

CORPORATION LICENSE TAX—(Continued)

	S. c.	Page
net income of corporations engaged in business wholly within the state, ascertained how.....	2	122
net income shall include what.....	1	120
net income to bear tax.....	1	120
no deductions for betterment or for wear and tear.....	2	123
no deduction of, for interest paid on indebtedness guaranteed free from taxation.....	2	124
no deduction for permanent buildings and improvements notice of	2	123
notice to corporation to correct returns to be given when penalty for non-payment to be added.....	5	127
receivers shall make return of net income.....	8	128
report of net income for year 1916 to be made and filed, when	5	127
returns and corrections thereof shall be filed with state board of equalization, when.....	4	127
returns, forms of may be prescribed by state board of equalization	4	126
return of net income shall be verified by whom, and filed when	7	128
return of net income to be made by receivers, trustees and assignees, how.....	8	128
returns, penalty for refusing or neglecting to make or making false or fraudulent returns.....	4	126
returns shall constitute public records, when.....	4	127
section adjudicated unconstitutional or void, effect on act state treasurer can make assessments within three years, when and how.....	6	127
state treasurer, duty when corporations license tax returns are under stated.....	7	128
tax to be upon net income.....	9	128
trustees shall make return of net income, when.....	5	127
	8	128
	1	120
	4	127

CORPORATIONS.

Foreign		
service of process upon.....	1	40
subject to all liabilities, restrictions and duties imposed upon domestic corporations	1	277
to pay license tax on income from business done within state	1	120

COUNTIES.

Change of Name		
both new and old names may be used in reference to records, etc., when	9	186
certified copy of decree changing name of county to be sent to Secretary of State.....	8	186
change not to effect vested rights or laws.....	11	187
change of name not to effect court records or processes, other records or property.....	10	186
court may make order changing name, when.....	7	185
county clerk, duties of regarding petition.....	5	185
effect of change upon court proceedings.....	10	186
limit of time county clerk may retain petition.....	5	185
name or designation of any court may be changed, how.....	1	183
name to be changed in all official records, blanks, forms, books and papers.....	9	186
no effect upon indebtedness or obligations of the county.....	12	187
objections to petition may be filed, where.....	7	185
officers to all continue in office.....	14	187
petition for, form of.....	4	183
petition for must be heard and determined by the district court	2	183
petition for, must be signed by what number.....	3	183
petition for, shall be filed with clerk of District Court.....	4	184
petition for, shall specify what.....	3	183
petition, hearing thereof.....	7	185
publication and posting of petition and proof thereof.....	6	185
records shall be styled and designated how.....	9	186
terms of court not effected.....	13	187

In General

authorized to sell and assign rights acquired by purchase at tax sale	1	281
basis for measurement of printing.....	1	93
classification of	1	116
new counties to be in what congressional district.....	2	48
undertaking to be executed by contractor.....	1	98

County Attorney

duty to abate danger of dam or dyke, when.....	1	418
--	---	-----

INDEX

COUNTIES—(Continued)

	Sec.	Page
duty to bring action to abate and enjoin liquor common nuisance, when	2	221
duty to diligently inquire into violation of liquor law, when	12	244
duty to maintain action to abate certain nuisances.....	3	162
duty upon filing of complaint for violation of Chapter 74.....	3	103
may be removed from office for neglect of what duty.....	19	248
Board of Health		
power regarding enforcement of Chapter 160.....	3	406
County Clerk		
duty in issuing liquor dealer's license.....	1	414
loose page record books may be used, when.....	1	90
minutes of orders and proceedings concerning highways.....	1	442
publication of list of misbranded foods.....	1	174
records which may be in long hand or typewriter.....	1	90
shall furnish separate ballots submitting question of terminal grain elevator, when.....	8	290
County Commissioners		
(See also Index, "Bridges within cities and towns;" Chapter 63)		
appointment and removal of County Librarian.....	2	230
authorized to appoint a person to exterminate gophers.....	1	165
authorized to audit and allow compensation to and traveling expenses of county librarian.....	4	230
county printing contract to be let to whom.....	1	83
dependent children; warrants to be drawn for, when.....	4	139
duties and compensation of members of board in making road inspection	12	446
duties and powers in issuing bonds and levying taxes for high schools	1	416
duties regarding creation of herd districts.....	1	103
duty to appoint deputy registrars, when.....	1	41
duty to make contract to furnish medical attendance to county sick, poor and infirm, etc.	1	35
entries of road inspection to be made, where.....	13	447
fair commissioners may be appointed by, from among whom	1	223
inspection of the condition of work, or contract on any highway	1	177
may acquire county fair grounds, how.....	6	224
may appoint school clerk and deputy in what counties.....	1	180
may direct any member or members of county surveyor to inspect any highway.....	1	177
may establish free county library, when and how.....	1	229
may furnish justices of the peace with offices, when.....	1	140
powers and duties concerning county market houses.....	1, 2	30
powers and duties concerning roads and highways.....	2	442
power to appoint special deputy county surveyor.....	1	255
power to appropriate money for county fair.....	5	224
power to appropriate money from general road fund for use of special road district.....	8	445
power to fix salary or compensation or furnishing medical attendance	1	35
power to levy special road district tax.....	8	258
power to make general rules and regulations regarding county free library	3	230
shall appoint Judges and Clerks of election of city officers under managers plan.....	9	285
shall audit accounts for paying compensation to election board	1	172
shall give notice of election of first officer to be elected under city managers plan.....	9	285
shall furnish county superintendent of schools with what.....	2	180
to fix special levy for high schools, when.....	1	176
shall levy an annual highway tax.....	1	440
to pay for establishing and maintaining county markets out of what fund	6	32
County Fairs		
annual appropriations for.....	5	224
Commissioners		
compensation of members.....	4	223
duty of	2	223
expenses of, which may be allowed.....	4	223
may be appointed by whom and from among whom.....	1	223
number to be appointed.....	1	223
offices of	3	223
power of, to purchase and erect, etc., permanent improvements on fair grounds.....	6	224
fair grounds, limit of area.....	6	224
fair grounds may be acquired how.....	6	224

INDEX

COUNTIES—(Continued)		Sec.	Page
funds derived from appropriations or taxes to be kept			
how	6	224	
funds of, to be paid out by order signed by whom.....	6	224	
salary of secretary of commission.....	3	223	
secretary of fair commissioners may be whom.....	3	223	
tax levy which may be made and purposes of use.....	5	224	
County Free Library			
apprentices, may be appointed and dismissed by librarian.....	3	230	
branches of, may be established where and by whom.....	3	230	
examination of applicant for position in.....	3	230	
County Librarian			
compensation and expenses.....	4	230	
duties and powers of.....	3	230	
duty of, to establish branches.....	4	230	
may be appointed or removed by whom.....	2	230	
powers and duty in assembling and managing library.....	4	230	
qualifications of	2	230	
may be established, when and how.....	1	229	
petition for, and notices of hearing.....	1	229	
required qualifications of all employees.....	3	230	
to be under the general supervision of whom.....	3	230	
County High School			
(See "High Schools;" Ch. 167)			
Market Houses			
county auditor shall be market master, when.....	3	31	
county clerk shall be market master, when.....	3	31	
expense of establishing and maintaining to be paid from what			
fund	6	32	
failure to pay counties five per cent of gross sales a misde-			
meanor	4	31	
grounds for buildings and quarters may be acquired or leased,			
when	2	30	
Market Master			
duties and power of.....	2	31	
duty concerning unclean and unwholesome foods.....	3	31	
moneys collected from gross sales to be disposed of and			
used how	4	31	
penalty for failure to pay percentum to market master....	4	32	
percentum of gross sales to be paid to the county.....	4	31	
powers of county commissioners to erect at county seat	1	30	
produce sold is not to be purchased for re-sale.....	7	32	
rules and regulations to be published where and when.....	5	32	
shall be maintained at county seat, when.....	2	30	
when county markets shall be opened to public.....	5	32	
County Poor			
duty of commissioner to contract for medical attendance of	1	35	
Printing			
contract for printing shall include, what.....	1	93	
contract for printing, to be let to whom and how.....	1	93	
contract to be let to what newspaper.....	1	98	
newspaper contracting may sublet to whom.....	1	98	
newspaper; qualifications of, receiving contract.....	1	93	
existing contract not effected by act.....	1	98	
limitations on prices for books, stationery and other printing	1	94	
price per folio and for rule and figure work.....	1	93	
rate to be paid for blank books and stationery not named in			
act	1	98	
unsatisfactory work may be rejected.....	1	98	
County Recorder			
loose page record books may be used, when.....	1	90	
no fees to be charged in filing maps and plats of state lands	1	409	
Road Fund			
to receive what proportion of motor vehicles license fee.....	Ga	110	
County Superintendent of Schools			
shall visit normal training and junior college classes in high			
schools and report to whom.....	5	189	
County Treasurer			
annual fiscal report of school year to be made to whom.....	6	133	
contents of notice concerning taxes.....	1	15	
duty in issuing liquor dealer's license.....	1	414	
duty to give duplicate receipts upon payment of inheritance			
tax	1	43	
notice to be published after receiving duplicate assessment			
book	1	15	
shall be ex-officio treasurer of county fair commissioners.....	3	223	

INDEX

	COURTS.	Sec.	Page
	(See also "Judicial Districts")		
District Court			
duty upon complaint against officer for collecting illegal fees or failing to perform duties.....		1	27
Clerk			
fees of		1	146
Indeterminate Sentence			
laws which are not effected by the act.....		3	16
maximum time, limit of and how fixed.....		1	16
minimum time, how fixed.....		1	16
person receiving may be paroled, when.....		2	16
terms of		1	16
upon whom shall court pass same.....		1	16
Judge			
duty of upon the conviction of a chauffeur violating motor vehicle law		10e	114
duty to certify fact of conviction of person violating motor vehicle law to registrar.....		11b	115
must render judgment depriving officer of his office, when orders making allowance for support by county of dependent children		1	27
required to file affidavit before receiving salary.....		4	139
number of publications per week when any rule, order, decree, summons or notice is required to be published.....		1	141
summons, orders, decrees, notices, etc., required to be published how often.....		1	175
unlawful to allow attorney's fees, when.....		15	175
	COYOTES AND PUPS.		
bounty for killing.....		1	79
	CRIMES AND MISDEMEANORS.		
Felony			
desertion or abandonment of child or children under sixteen years of age.....		1	119
fraudulently issuing a false warehousemen's receipt.....		51	349
having in possession a shell, bomb, or similar device for unlawful purpose		16	219
issuing a duplicate negotiable warehousemen's receipt without marking "duplicate," when.....		52	349
issuing warehousemen's receipt without having goods in custody		50	349
maliciously driving spikes or other hard substances in saw logs		1	88
penalty, upon conviction under chapter 173.....		85	501
violation of the provisions of Section 18.....		18	247
Perjury			
witness testifying before a legislative committee.....		2	5
Indeterminate Sentence			
courts must pass in what cases.....		1	16
person receiving may be paroled, when.....		2	16
Indictment on Information			
may be found on information filed within what time when defendant has been absent from state.....		1	4
judgment against officer for collecting illegal fees.....		1	27
Misdemeanor			
absent voter returning in time to vote in person and failing to do so.....		20	360
cheating hotel, restaurants, rooming houses, etc.		1	6
concerning municipal elections.....		30	295
consignee of intoxicating liquors giving order for delivery to another		22	249
delivery of intoxicating liquors without written order.....		23	249
depositing goods without title and receiving a negotiable warehousemen's receipt		55	350
disturbance of peace and quiet on passenger trains.....		1	254
driving or introducing animals or so placing them in a herd district that they will commit trespass.....		8	105
failure to pay county market master five percent of gross sales		1	31
gambling or conducting gambling games.....		1	142
having in possession seine or net.....		25	479
husband having the ability, and refuses or neglects to support and care for wife and children under sixteen years of age.....		1	117
knowingly buying, selling or having in possession automobile from which manufacture serial number has been removed		2	53

INDEX

CRIMES AND MISDEMEANORS—(Continued)		
looking at marks on absent voters ballot or exposing ballot....	18	379
making fraudulent application under mother's pension law.....	7	139
obtaining money under false pretenses.....	1	6
owner permitting certain animals to run at large in incor- porated cities or towns.....	2	87
penalty upon conviction under Chapter 173.....	85	501
permitting persons to gamble on pool or billiard table.....	1	33
proceedings when officer collects illegal fees or neglects per- formance of duties.....	1	27
refusing to produce evidence before state board of equaliza- tion, when.....	6	145
selling carcass of animal having actinomycosis, tuberculosis or other infectious or contagious disease.....	2	42
transacting business as grain dealer, track buyer or public warehousemen without a license.....	29	267
unlawful disposition of liquor by an officer.....	17	247
violation of, by any elector or other person of the election or penal laws of this state, while in another state.....	21	360
violating Chapter 17.....	4	18
violation of any section of act not provided for elsewhere.....	43	272
violation of Chapter 67 by railroad or its employees.....	2	89
violation of Chapter 109.....	1	179
violation of Chapter 155 by clerk or election officer, etc.....	18	359
violation of Chapter 160.....	4	406
violation of Chapter 161.....	3	407
violation of intoxicating liquor law.....	25	250
violation of provisions of Chapter 143.....	34	253
violation of provisions of Chapter 126.....	3	208
violation of the provisions of Section 118.....	3	193
violation of provision concerning incasing of oil and gas wells.....	3	47
violation of Section 2 of Chapter 62.....	3	84
violation of Section 20, Chapter 152.....	20	292
violation of provisions of Chapter 229.....	15	219
Perjury		
swearing falsely to affidavit, required by act.....	18	359
DAMS AND DYKES.		
appeals from findings of state engineer.....	1	417
County Attorney shall take steps to abate or make structure safe, when.....	1	417
District Court to appoint examiners of, when.....	2	418
duty of State Engineer to examine, when.....	1	417
shall be constructed in what manner.....	1	417
state engineer shall notify county attorney when unsafe.....	1	417
DAWSON COUNTY.		
boundary line between Dawson and Rosebud county.....	1	38
DEED OF TRUST.		
right of redemption where property sold under power in deed	2	414
DEER LODGE COUNTY.		
apportionment of indebtedness between Silver Bow and Deer Lodge counties.....	4	23
basis of apportionment of indebtedness with Silver Bow county.....	5	24
commissioners to apportion the indebtedness with Silver Bow county.....	6	24
warrants to be paid to by Silver Bow county in apportion- ment of indebtedness.....	7	24
EDUCATION.		
Vocational		
appropriation for.....	6	174
federal act concerning, accepted and assented to by state....	1	173
money shall not be apportioned to schools except, when.....	4	173
state board authorized to adopt rules and regulations concern- ing vocational courses.....	3	173
state board of, authorized to co-operate with schools con- cerning vocational education.....	2	173
state board shall apportion money to what schools.....	4	173
state treasurer designated as the custodian for vocational education.....	5	174
state treasurer shall disburse moneys, how and when.....	5	174
EDUCATIONAL INSTITUTIONS.		
permanent funds of, may be invested in, what.....	1b	3

INDEX

ELECTION.

	Sec.	Page
Absent Voter		
absent voter envelope shall not be opened, when.....	16	358
affidavit on application form must be sworn to by whom.....	4	353
affidavit shall be sworn to before whom.....	7	354
affidavit to be printed on application blank.....	4	353
any elector absent from county on election day may vote under provisions of act.....	1	352
application blank to be delivered how and by whom.....	5	353
application for ballot, form of.....	3	352
application for ballot may be made, when and to whom.....	2	352
application shall be made to whom.....	3	352
Ballot		
delivered to absent voter shall be official ballot.....	10	355
kind to be delivered to voter and order of delivery.....	10	355
not to be delivered, when.....	5	353
shall be delivered by clerk with what papers.....	6	353
shall be enclosed and returned to clerk, how.....	7	354
shall be marked secretly, before whom.....	7	354
to be furnished, where voting machines are used.....	19	359
change of venue.....	21	360
County or City Clerk		
certificates to be delivered to Judges.....	10	355
disposition of enclosed ballots.....	8	355
endorsement to be made by, upon envelope.....	8	355
record to be kept by.....	10	355
shall deliver envelope to judge of election, when.....	9	355
shall deliver suitable envelopes to judges.....	13	358
shall provide proper postage and markings.....	14	358
disposition of envelopes and of rejected ballots.....	13	357
duty of absent voter returning in time to vote.....	20	360
elector appearing may ask for new ballot.....	13	358
elector who expected to be absent may vote in person, when.....	15	358
endorsement to be made upon envelope of rejected ballot envelope containing absent voters ballot, deposited in bal- lot box unopened, shall not be opened without order of court.....	13	357
envelopes required for rejected ballots.....	17	359
envelope to be delivered by mail with ballot.....	11	356
false swearing, perjury.....	6	353
fee to be paid on application for ballot.....	18	359
	4	353
Judges		
disposition of rejected absent voters ballot.....	11	356
duty to make entry upon poll list of ballot numbers.....	11	356
duty to note in poll books fact that voter voted in person proceedings upon opening absent voter's envelope.....	20	360
shall designate rejected ballots, how.....	13	356
shall enter name of voter, where.....	13	358
shall open outer envelope and compare signatures, when.....	11	356
	13	356
Misdemeanor		
violation of act by clerk or election officer.....	18	359
proceeding, when expected absent voter votes in person....	16	358
violation outside of state by any elector or election offi- cer, of any of the election or penal laws of the state	21	360
vote to be rejected, when.....	13	356
voting machines, proceedings in casting, canvassing, etc., absent voters ballot.....	19	359
when absent voter's ballot may be opened in the pres- ence of the voter.....	16	358
when voter may vote before county or city clerk.....	12	356
United States Senator, must be held, when.....	1	226
nominations for candidates for United States Senator, to be made how.....	1	226
Registration		
compensation of deputy registrar.....	1	41
compensation to be paid judges, clerks and members of election boards.....	1	172
county commissioners shall appoint deputy registrars.....	1	41
deputy registrar, qualifications.....	1	41
duty of deputy registrars to forward registration cards, when.....	1	41
notary public and justices of the peace to be deputy registrars.....	1	41
registration of electors residing more than ten miles from the county seat.....	1	41

INDEX

ELECTRICAL CONSTRUCTION.		Sic.	Page
arc lamps shall be maintained, how.....	9	432	
city ordinances repealed.....	25	438	
Bridge Arms			
construction in alleys and street intersections.....	4	431	
pin spacings upon.....	4	431	
Climbing Space			
duties of persons and corporations maintaining electrical wires or cables to maintain unobstructed.....	1	429	
size of unobstructed space.....	15	433	
size, where "huck" or reverse arm are used.....	15	433	
to be used where normal voltage is six hundred.....	13	432	
unobstructed space shall be maintained, where.....	1	429	
cross arms constructed, how and of what material.....	3	430	
double arms shall be used, where and blocked and bolted, how.....	5	431	
General Construction			
log book or record to be kept in generating and substations....	27	436	
poles shall be what material and strength.....	22	435	
shields for guy wires.....	24	435	
side or offset arms may be used, where.....	23	435	
side arms to be constructed and installed, how.....	23	435	
tags upon switches and devices in stations for protection of men at work.....	27	436	
wire crossings, requirements.....	25	435	
guy attachments, and anchors shall not reach within eight feet of ground, when.....	6	431	
guy clearances, wires to be attached and placed so as to provide, what clearance.....	8	431	
Guy Insulation			
insulators to be inserted in guy, when and in what manner.....	7	431	
strain insulators shall be interlocked, when.....	7	431	
guy wires shall be insulated, when.....	7	431	
Joint Construction			
clearance space between cross arms where two or more pole lines are on the same side of street and not parallel.....	21	435	
guys to be used with wires and cables of conflicting voltage.....	20	434	
Joint Use of Appliances			
clearance space where poles are used jointly.....	19	434	
ground wires, incasing and installing.....	26	435	
telegraph and telephone wires to be placed on cross arms, when.....	19	434	
Misdemeanor			
violation of any of the provisions of act.....	33	438	
new construction after May, 1917, to conform to act.....	34	438	
Overhead Lines of Telephone and Telegraph and Single Wires			
cross arms: material, size and construction.....	14	433	
pin spacing on bridge arms.....	4	431	
pin spacing shall be arranged and constructed, how.....	3	430	
Protective Devices			
air brake and oil brake switches to be used, when and where.....	29	437	
apparatus shall be effectively grounded.....	31	437	
circuit breaking devices to be used, when.....	29	437	
clear head room required or wires grounded in installments within buildings or enclosures.....	31	437	
first aid and other protective devices to be kept, where.....	28	436	
fuses.....	30	437	
guards required, where.....	31	437	
grounding of disconnected wires carrying seventy-five hun- dred or more volts.....	31	437	
manhole, shape and size.....	32	438	
protection of men at work.....	27	436	
requirement when manhole within three feet of any railway or car track.....	32	438	
two or more expert electricians shall be employed, where.....	29	437	
provisions applicable when current not exceeding seventy- five hundred volts are used.....	12	432	
span wires shall be of what material.....	11	432	
Standard Pole Gain			
gain or its equivalent shall be left vacant between nearest cross arm and wire, when.....	2	430	
provision of section not to apply, when.....	2	430	
pole gain shall be spaced, how.....	2	430	

INDEX

ELECTRICAL CONSTRUCTION—(Continued)

Telegraph and Telephone	S. c.	Page
aerial cables, bolts and supports.....	17	433
anchor guys for guying aerial cable loads.....	16	433
guy insulation required in wires passing over, under or between high powered lines.....	16	433
preferably run and maintained, where.....	18	434
space required between wires at pole.....	18	434
size required in use above high power lines.....	18	434
Trolley and Span Wires		
insulators to be used.....	11	432
strength of trolley wires required.....	11	432
Wire Insulation		
triple braided weatherproof cover shall be used, where.....	10	432

ESTATES OF DECEASED PERSONS.

(See also "Executors and Administrative")		
not to be distributed until, when.....	1	43

EVIDENCE.

adverse possession, what necessary to establish.....	1	2
evidence required to convict for obtaining money under false pretenses.....	1	6

EXECUTORS AND ADMINISTRATORS.

duty to forward to state treasurer duplicate inheritance tax receipts.....	1	43
not to be entitled to credit in his accounts or discharged from tax liability until, when.....	1	43
money held by, for paying taxes to be placed in separate account.....	1	43
order of court to be obtained before paying taxes.....	1	43
pay inheritance tax, to whom.....	1	43

EXPLOSIVES.

act not to apply to military or naval forces, police or fire department, etc.....	18	219
act not to apply to transportation of, when.....	18	220
act not to effect what city ordinances or regulations.....	19	220
annual and other inspection of factories and magazines by state fire marshal.....	11	218
blasting caps and other detonators not to be carried in vehicle with explosives.....	13	219
blasting caps, or other detonating or fulminating caps not to be kept in magazine with explosives.....	8	216
bombs, shells and similar devices, unlawful to have in possession, when.....	16	219
"building" or "buildings" defined.....	1	212
certificate of compliance may be cancelled, when.....	9	217
certificate of compliance, notice of cancellation and proceedings thereafter.....	9	218
certificate of compliance shall be issued to whom and state what.....	9	217
containers, no particles of explosives to be permitted to remain on outside of.....	6	215
containers shall be marked how.....	6	215
containers to be constructed of what material.....	6	216
danger sign to be painted upon vehicles carrying.....	13	218
definitions.....	1	212
distance reductions where effectual screen is used.....	5	215
"Efficient Artificial Barricade" defined.....	1	212
"Explosives" defined.....	1	212
"Factory Building" defined.....	1	212
factory buildings, limit to quantity of explosive and blasting caps, stored.....	4	215
factory buildings and magazines must be located at what distance from buildings, railroads and highways.....	3	213
fire arms shall not be discharged against magazine or factory building.....	14	219
"Highway" defined.....	1	212
kept only and stored in magazines as prescribed, excepting when.....	6	215
license fee for keeping or storing explosives.....	10	218

Magazines

"Magazine" defined.....	1	212
classification of.....	7	215
distance from other structures and construction according to quantity stored.....	7	216
doors must be kept closed and locked except when.....	7	215
first class, to be constructed of what material, etc.....	7	215

INDEX

EXPLOSIVES—(Continued)

	Sec.	Page
in which more than fifty pounds of explosives are kept, detached from other structures.....	7	216
limit to quantity of explosives and number of blasting caps stored	4	215
of the second class, how constructed.....	7	216
of the second class, quantity which may be stored and regu- lations imposed	7	216
regulations to prevent explosions.....	7	216
sign required on	7	216
to be inspected by state fire marshal.....	9	217
ventilation required	7	215
manufacture of, in laboratories, in schools, colleges, etc.....	2	212
"Person" defined	1	212
persons who may enter any factory, magazine, building or car containing explosives.....	12	218
quantity and distance table.....	3	213
quantity and distance tables may be disregarded and certifi- cate of compliance issued to second class magazines, when	3	213
quantity of, to be kept in factories or magazines, must be reduced when	9	217
"Railroad" defined	1	212
report to be made to state fire marshal by all persons keep- ing or storing explosives.....	9	217
second class magazine, limit to number of blasting caps, stored	3	213
shall not be kept in state except, when.....	6	215

State Fire Marshal

shall examine magazines and determine what.....	9	217
shall issue certificate of compliance to whom and when.....	9	217
to issue annual license fee for keeping and storing explosives	10	218
unconstitutionality of any section not to effect others.....	17	219
unlawful to manufacture, keep or store, except in compliance with this act.....	2	212
unlawful to sell, or furnish to persons under the age of eighteen	2	212
vehicles carrying, regulations of.....	13	218
vehicles transporting explosives to display a red danger flag	13	218
violation of act a misdemeanor.....	15	219
words in the singular or plural include the other.....	1	212

EXPRESS COMPANIES.

License Tax

action to enforce penalty upon failure to file annual schedule	5	144
annual report, contents of.....	2	143
annual report to the state board of equalization to be made, when	2	143
board of equalization to inform itself how when statement not made	4	144
failure to file required schedule, penalty.....	5	144

Gross Receipts

correction in finding of, by state board of equalization.....	4	144
proceedings in determining, by state board of equalization....	4	144
to be entered by state board of equalization, where and when	7	145
to be found by state board of equalization, when.....	3	144
what shall be deemed.....	3	144
license fee, amount of and how computed.....	7	145
license fee imposed by act, to be exclusive.....	9	146
misdeemeanor to refuse to produce evidence for state board of equalization	6	145
penalty for failing to pay license fee, when.....	8	145
property of, shall be taxed regardless of license fee.....	7	145
state board of equalization has power to obtain testimony....	6	145
who deemed to be.....	1	143

FALLON COUNTY.

boundaries of, altered to conform with those of Carter county	13	76
---	----	----

County Clerk

compensation for comparing and certifying transcripts of records to Carter county.....	9	74
---	---	----

Board of County Commissioners

to draw warrants in favor of Fallon county for what purpose	6	73
---	---	----

INDEX

FALLON COUNTY—(Continued)

	Sec.	Page
County Treasurer		
duty to collect delinquent taxes and turn over pro-rata share to Carter county.....	5	73
duty to send list of delinquent and unpaid taxes to commissioners of Carter county, when.....	5	73
to pay over district school money to Carter county.....	8	74
delinquent taxes due not to be considered in adjustment of indebtedness	5	73
FARM LOANS.		
applicant for, to furnish abstract of title.....	7	203
application for loans on unimproved lands.....	2	264
application for, on land to be filed in order received.....	3	202
application for, shall be made to whom.....	3	202
assignment of mortgages sold by state, to be executed by whom	14	205
Attorney General		
general duties under act.....	18	206
shall bring action to foreclose, when.....	11	204
Board of Land Commissioners, State		
certificate to be issued to applicant for loan on unimproved lands, when	2	264
duties to make estimates of amounts of different permanent funds on hand.....	2	202
duty to record mortgage before paying out money.....	9	203
investment of permanent common schools and other funds to be made by.....	1	201
may sell and assign mortgages on farm loans, when.....	3	205
may appoint a chief examiner, when.....	16	206
shall notify Attorney General when default is made in payment of mortgage.....	11	204
shall order examination and appraisal of land.....	6	202
chapter 146 to be construed, how.....	3	264
Chief Examiner		
salary and expenses.....	16	206
term of office and duties.....	16	206
clerk of the district court shall charge no fees in.....	12	204
County Recorders shall not charge state with any fees.....	12	204
examination and appraisal of land upon application for loans	6	202
expenses of examination and appraisal and other expenses to be borne by state.....	7	203
expense of perfecting title to be paid by applicant.....	7	203
expenses to be paid out of what fund and how.....	7	203
foreclosure of mortgages shall be brought by Attorney General, when	11	204
general duties of the State Land Commissioner.....	13	206
investment in bonds not to be made until Attorney General shall approve legality of same.....	8	203
lands purchased upon foreclosure sale not to be sold for less than purchase price.....	11	204
limit to the amount of each farm loan.....	4	202
loans not to be made on farm lands unless title be approved by Attorney General.....	8	203
moneys derived from the sale of lands on foreclosure to be paid into what fund.....	11	204
moneys derived from sales of mortgages to be paid into what fund	15	205
Mortgages		
mortgages and evidence of debt to be cancelled by register of state lands.....	10	204
may be paid in installments, when and how.....	5	202
on farm lands may be sold to raise funds for other applicants, when	13	205
purchaser of, may appoint register of state lands as his agent for what purpose.....	13	205
securities not to be sold for less than amount due thereon sold to raise funds must be at public auction	13	205
to be recorded before money on loan paid out.....	9	203
to run for what period and to bear what interest.....	5	202
to secure loans to be made to state mortgagee.....	5	202
Register of State Land Office		
duty to cancel farm loan mortgages and obligations secured thereby, when	10	204
shall bid in property on foreclosure sale, when and for what amount	11	204
releases and satisfaction of mortgages to be executed and delivered, when	10	204
rules and regulations to be promulgated by whom.....	17	206
sheriff's deed to be made to the state, when.....	11	204

INDEX

FARM LOANS—(Continued)	Sec.	Page
sheriffs shall not charge state any fees in foreclosure of farm loans	12	204
state not to be liable on farm loan mortgages sold	13	205
FEES.		
Clerk of the District Court		
fees to be collected by	1	146
FRANCHISES.		
(See "Cities and Towns; Manager Plan;" Ch. 152)		
FRATERNAL BENEFIT SOCIETIES.		
certificates issued, re-rated or readjusted, to be valued how	23b	412
certificates may be valued upon accumulative basis, when and how	23b	411
charge for cost of insurance may be upon what basis	23b	411
contributions shall be increased to cover losses, when	23b	411
excessive share of losses may be paid out of what fund	20b	411
financial condition which shall be maintained hereafter	23a	410
improvement in percentage of deficiency required, when	23a	410
members may be transferred to any plan adopted, how	23	411
mortuary and beneficiary contributions of new members may be kept separately, when	23a	410
proceedings for dissolution may be instituted, when	23a	410
FISH AND GAME.		
antelope, unlawful to kill or capture	34	482
appropriation for installing screened wheels in ditches diverting waters from fish streams	6	78
ashes, dumping in streams, lake, etc., forbidden	28	480
Beaver		
applications for license	38	483
owner may kill on his own premises, when	38	483
owner or agent of premises, to report killing of, when	38	483
permit to kill on game preserves or right of way of county roads may be granted, when	38	484
permit to ship or sell skins to be granted to whom, and when proceeds of skins sold by State Game and Fish Warden	38	484
report of number of skins sold, and to whom	38	484
special license must be procured for trapping, shooting or killing	38	483
unlawful to kill, except when	38	483
birds and animals may be captured, taken, or killed for scientific purposes, by whom	81	494
bison, unlawful to kill or capture	34	482
brant, number one may kill in one day	40	484
buffalo, misdemeanor to catch, trap or restrain for domestication or sale	37	483
buffalo, unlawful to kill or capture	34	482
caribou, unlawful to kill or capture	34	482
cases in which provisions of this act shall not apply	79	494
catching fish in manner enumerated, unlawful	22	476
chasing and running with dogs of animals named, unlawful	36	483
Civil Service Rules		
Deputy Game Warden shall be appointed under	44	485
Clarke's Fork of the Columbia, seine which may be used in	22	476
Common Carrier		
unlawful to receive for transportation or sell or offer for sale game fish, when	56	488
violating provision of act, guilty of a misdemeanor	55	488
cost bills shall include, what, and be presented and paid, how court shall hold prisoner when it appears that law of another state was violated, how long	75	492
	78	493
County Attorney		
Duty to institute proceedings against violators of act	77	493
duty to notify officers of another state, when and of what	78	493
dams: fish-way or ladder to be constructed, with	27	480
debris: dumping in streams, lake, etc., forbidden	28	480
Deer		
counties in which killing of, prohibited until October 1st, 1922	32	482
closed season for	32	482
unlawful to kill more than one deer during a season	32	482
Definitions		
"Game" and "Game Birds"	62	489
"Hotel and Restaurant Keeper" shall include, whom	62	489
"Merchant" shall include, whom	62	489
the word "sale" shall be considered to mean, what	64	490

INDEX

FISH AND GAME—(Continued)

	Sec.	Page
District Court		
duty of Judge to call attention of grand jury to provisions of act	77	493
jurisdiction of	77	493
Deputy Game Wardens shall be appointed how.....	44	485
ducks, number one may kill in one day.....	40	484
dumping or placing sawdust, bark, shavings, oil, etc., in streams, ponds or lakes, forbidden.....	28	480
Eggs and Spawn		
fishing within limits of egg taking station.....	29	481
notice not to fish in territory of fish or egg station.....	29	480
permit to take eggs and spawn may be given when and for what purpose	28	480
stations may be established to take eggs of Eastern Brook, Mountain, Rainbow or Steelheaded trout, and grayling, when	29	481
Elk		
additional license fee for killing two in certain counties.....	30	481
closed season	30	481
counties and territories in which same may be killed during open season	31	481
killing more than one per year, forbidden.....	30	381
misdeemeanor to catch, trap or restrain for domestication or sale	37	483
special permit to kill two Elk in counties of Park and Gallatin may be granted.....	30	481
unlawful to hunt, shoot or kill at any time in territories named	31	481
unlawful to shoot or wound, when.....	30	481
unlawful to wilfully leave portions suitable for food, after removing head or teeth.....	30	481
Felony		
penalty upon conviction, under act.....	85	501
using explosives or narcotic poison in capturing fish.....	26-27	479
finest, bonds, and costs shall be collected without stay of execution	74	492
finest, bonds and penalties may be collected, how.....	74	492
Fish Hatcheries		
appropriations for fish hatchery at Anaconda.....	1-3	77-78
appropriation for State Fish Hatchery at Somers.....	2	77
appropriation for the purchase of a fish car.....	4	78
funds appropriated may be used at either Anaconda or Somers game and fish commission has general supervision over.....	5	78
produce of, to be used for what purpose	13	473
sites and construction of.....	13	473
superintendent, authority to employ, whom.....	11-12	473
superintendent, power and duty in purchasing and securing eyed eggs.....	14	473
superintendent, compensation and expenses.....	16	474
salary of superintendent to be paid without approval.....	14	473
15	474	
fish ladders and ways, required, when.....	27	480
free transportation may be given by railroads and carriers, when	76	492
fool hen: unlawful to kill when.....	39	484
Game Birds		
limit to the number one may have in possession at any one time	39	484
number which may be killed in one day.....	39	484
open season for killing.....	39	484
"Game Fish" defined.....	19	475
Game and Fish Warden, State		
duty to discover and prosecute violations of Game Law.....	46	486
duty to furnish blanks to persons issuing license.....	4	470
duty to keep record of licenses issued to use net or seine.....	23	478
may issue permits to kill certain animals within game preserves, for what purposes.....	83	495
may grant permit to take eggs or spawn from fish, when and for what purpose.....	29	480
power and duty in establishing stations or capturing fish eggs	29	480
power of search.....	45	485
power to seize and take possession of birds, animals and fish, when	45	485
shall make record of all property confiscated under act.....	50	487

INDEX

FISH AND GAME—(Continued)

Game Preserves	S. C.	Page
Game Warden may issue permits to kill certain animals within, for what purpose.....	83	495
license fees or permits to kill certain animals within.....	83	495
what things prohibited within.....	83	495
Public Game Preserves		
Gallatin Preserve		
boundaries and description of.....	83-4	497
Flathead Lake Bird Preserve		
boundaries of.....	83-8	498
unlawful for any person to kill, shoot or capture birds or their nests, within.....	83-8	499
Highwood National Forest Preserve		
territory included in.....	83-6	498
Powder River Preserve		
boundaries and description of.....	83-7	498
Pryor Mountain Reserve		
boundaries and description of.....	83-2	496
Snow Creek Preserve		
boundaries and description of.....	83-1	495
Snowy Mountain Preserve		
description of.....	83-5	498
South Moccasin		
boundaries of.....	1	179
creation of.....	1	179
description and boundary of.....	83-10	500
hunting game, firing guns, and creating disturbances forbidden.....	2	179
permits to capture or destroy certain wild animals may be issued by whom.....	2	179
violation of the provisions of act, misdemeanor.....	2	179
Sun River Preserve		
boundaries and description of.....	83-3	497
Twin Butte Preserve		
boundaries of.....	83-9	499
license fee for capturing game animals or birds for scientific purposes.....	83-9	500
permits may be given to destroy named animals.....	83-9	499
permits may be given to kill what animals for scientific purposes.....	83-9	499
things which are prohibited upon said preserve.....	83-9	499
violation of act, a misdemeanor.....	83-9	500
Private Game Preserves		
annual license fee to be paid by owner.....	84	501
may be stocked with wild animals and birds, when.....	84	501
wild animals and birds may be sold to owner when and for what purpose.....	84	501
geese; number which may be killed in one day.....	40	484
goats; misdemeanor to catch, trap or restrain for domestication or sale.....	37	483
Grand Juries; duties of.....	77	493
grouse, unlawful to kill, when.....	39	484
Guides		
acting as such, without qualifications or complying with terms of act.....	67	491
license may be obtained by whom and when.....	66	490
license required.....	66	490
license shall state, what.....	66	490
necessary for one person, only, with a hunting party, to be guide.....	69	491
oath of office.....	66	490
packers who shall be deemed a guide.....	69	491
shall be Deputy State Game Warden.....	66	490
shall be equally responsible for violation of law by any of his party.....	71	491
statement to be made by, to State Game Warden.....	70	491
willful failure or refusal by, to report violations of game law.....	71	491
who shall be deemed a guide.....	68	491
Hotels and Restaurants		
duty to produce receipts or records of shipments required to be kept by him, when.....	59	489
phrase "Hotel and Restaurant Keeper" shall include whom.....	62	489
receipt from merchant selling game, shall be sufficient evidence of what.....	60	489
unlawful to have in possession for sale game and game birds killed in Montana.....	78	488

INDEX

FISH AND GAME—(Continued)

	Sec.	Page
Indians and half breeds subject to provisions of Act, when	77	493
Lake Boudoin, seine which may be used in	22	476
Lake Francis, what seine may be used in	22	476
laws which are hereby re-enacted	5	472
Licenses		
alien's fishing license to be issued to whom	1-(2)	468
alien's hunting and fishing license may be issued to whom	1-(4)	463
all licenses shall contain, what	5	470
applicant shall state what and sign license	5	470
beaver, special required for trapping, shooting, or killing	38	483
classification of	1	467
expire, when	7	472
false statement in writing, a misdemeanor	3	469
guide's	66	490
License Fees		
fees	1	467
females under eighteen years and males under fourteen, not required to have	1	468
for permit to sell animals for the purpose of raising same	84	501
for killing two elk	30	481
for taking birds and animals for scientific purposes	81	494
form of license to use seine	22	477
general hunting or fishing license may be issued to whom	1-(1)	468
issued by whom	1	467
may be issued upon what written statement	3	469
may be procured by mail, how and by whom	4	470
non residents hunting and fishing license may be issued to whom	1-(3)	468
not to be issued to any person to use seine, whose license has been once revoked	23	478
Officer		
issuing license by mail, duty to forward blank application, etc., to Game Warden	4	470
before issuing license, officer shall ascertain, what	3	469
shall furnish blanks to whom upon written request	4	470
official receipts may be given when	6	471
personal appearance before officer, required of whom	4	470
private Game Preserves; annual fee	84	501
Resident License	1-(1)	468
residents may obtain upon written statement, when and how	4	469
shall be paid to whom	5	471
taxidermist license	72	491
temporary receipts upon payment of fee, not to be issued	6	471
written statement may be required of applicant	3	469
limit to Game Fish to be caught in one day	20	475
limit to number of fish less than six inches in length, per day	20	475
Merchants		
duty to produce receipts or record of shipments required to be kept by him	59	489
shall keep a record of date of sale, kind and amount of game, sold to whom	60	489
the word "Merchant" shall include whom	62	489
unlawful to have in possession for sale game or game birds killed in Montana	58	488
Misdemeanor		
catching fish for sale or removing eggs therefrom	21	476
fishing within limits of egg-taking station	29	481
having in possession or offering for sale, game without keeping required records and shipping receipts	61	489
hunting and fishing in state without securing license therefor	2	469
killing any Rocky Mountain Goat or Sheep	32	482
killing any moose, bison, buffalo, caribou or antelope	34	482
killing more than one deer during one season	32	482
penalty upon conviction under act	85	501
to dump or place or deposit in or near any stream, pond or lake, sawdust, etc.	28	480
violation of section 25	25	479
violation of the provisions of Section 6	6	471
violation of provisions of Section 3	3	469
Missouri river; seine may be used in what portion of	22	476
moneys collected on fines and bonds to be paid into what fund	74	492
money received for shipping permits to be placed in what fund	57	488

INDEX

FISH AND GAME—(Continued)

	S e.	Page
Montana Game and Fish Commission		
accounts, salaries of employes and expenses to be approved by whom	15	474
actual and necessary expenses to be paid, how	9	472
authority to control waters of lakes and ponds lying within state lands	17	474
authority to install screen wheels, where	18	475
authorized to secure sites and plans, construction and equipment of hatcheries	11	473
civil service, rules of to be promulgated by whom	44	485
commission shall consist of whom	8	472
duties concerning selection of site and construction of fish hatcheries in Park county	1	508
expenses of, shall be paid how and by whom	15	474
has general supervision over and appointment of employes of hatcheries	13	473
members shall qualify, how	9	472
members to continue in office, until when	8	472
notice concerning lake or pond to be given to State Land Agent	17	474
organization and records of	10	473
powers and duties in erecting fish hatcheries	12	473
shall promulgate civil service rules	41	485
Moose		
misdeemeanor to catch, trap or restrain for domestication or sale	37	483
unlawful to kill or capture	34	482
Mountain Sheep		
misdeemeanor to catch, trap or restrain for domestication or sale	37	483
muffle, unlawful to take in field or forest while hunting	80	494
nests and eggs of birds, misdeemeanor to destroy	42	485
non residents hunting or fishing without a license	5	471
non residents shall be deemed guilty of a misdeemeanor, when	5	471
notice of sale of animals, fish and parts of animals	47	486
official receipt, unused and stubs used to be returned to Game Warden, when	6	471
owner of private ponds may catch fish for sale	21	476
Peace Officers		
duty to commence criminal proceedings, when	77	493
duty to discover and prosecute violations of game law	46	486
not liable in damages on account of any search, examination, seizure or sale	49	486
power and authority to search and seize	45	485
pheasants; unlawful to kill any Chinese or Hungarian pheasants	35	483
pheasant or partridge, unlawful to kill, when	39	484
pole, line and hook under lawful method of catching game fish	22	476
Pond d'Oreille River, seine which may be used in	22	476
portion of residents license to be used for propagating game birds and animals	1 (1)	468
possession of dead bodies of birds or animals prima-facie evidence of what	43	485
prairie chicken; unlawful to kill, when	39	484
prima facie evidence, possession of the dead bodies of what birds or animals	43	485
Private Lakes and Ponds		
bond to be executed by owner to the state	24	473
general public may lawfully fish therein, when	24	473
license and fee	24	479
license of owner may be revoked, when	24	479
owner may have seine	25	473
owner may sell fish therefrom, when	24	478
owner may take fish for spawning purposes	24	478
owner shall sell what eggs or fry to the state	24	478
railroads and carriers may issue free transportation or carriage to persons, when	76	492
railroads and common carriers may transport property and persons free or at reduced rates, for whom	76	492
resident; who shall be deemed a resident of state	5	471
record of confiscated property to be kept by whom and to show what	50	487
records to be kept by all persons having in possession or offering for sale game or game birds	60	489

INDEX

FISH AND GAME—(Continued)

	S. C.	Page
Rocky Mountain Sheep and Goats		
killing and capturing of prohibited until October, 1922.....	31	482
quail; unlawful to kill.....	35	483
sage hen, unlawful to kill, when.....	39	484
Sale		
certificates of	48	486
birds and animals seized by officer.....	47	486
of fish or fish eggs prohibited.....	21	476
of perishable dead animals to be had, when.....	17	486
proceeds of, to be disposed of, how.....	19	486
Sawdust		
dumping in or placing near streams, lakes, etc., forbidden.....	28	480
Scientific Purposes		
birds and animals may be killed or captured for, when.....	80	494
licenses to be obtained.....	81	494
limit to number of animals which may be taken for.....	81	494
screen wheels, duty of owner of ditch to keep in repair, when	18	475
search may be made of what places and when.....	45	485
Seine		
application for license to use net or seine.....	22	476
fish taken by, to be returned to waters, excepting.....	22	476
found in any vehicle, camp or premises, prima facie evidence		
of what	25	479
licenses for using.....	22	476
license to us, seine confers what authority	22	477
may be used in Yellowstone and Missouri rivers, where.....	22	476
metal tag to be attached to.....	22	477
monthly report to be made by person using.....	22	477
of less than two and one-half inch mesh not to be used in		
what waters	22	476
unlawful for any person to have in possession.....	25	479
unlawful to use unless license tag attached to.....	22	477
selling or offering for sale any birds, animals, or part thereof		
forbidden, a misdemeanor.....	63	489
selling or offering for sale any game fish taken or killed		
contrary to law, misdemeanor.....	56	488
selling or offering for sale fish or game by any person or		
common carrier contrary to act, a misdemeanor.....	65	490
Shipping		
any person holding license may ship twenty-five pounds of		
fish by showing license to Agent.....	56	488
fee for shipping permits.....	57	488
game shipped or in possession contrary to law, may be seized		
and confiscated.....	55	488
licensed non-resident, shall present license to transportation		
company, when	53	487
limit to the number one person may ship.....	53	487
misdemeanor to have in possession, sell, or offer for sale		
without keeping record of shipment.....	61	489
packages shall be labeled, how.....	54	488
permit to ship to be obtained by whom and from whom.....	52	487
persons or common carrier or employes violating act, guilty		
of misdemeanor	55	488
unlawful to ship out of state what birds and game animals		
except in manner provided.....	51	487
silencer, unlawful to use when.....	80	494
small and singing birds, unlawful to kill.....	41	485
song birds, unlawful to kill.....	40	485
State Land Agent		
duties concerning lakes and ponds by fish and game com-		
mission	17	474
stations for taking eggs for fish may be established, where		
and how	29	480
stations for taking eggs, regulations concerning.....	29	480
swan; number one may kill in one day.....	40	484
Taxidermist		
refusing to procure a license or make monthly report, guilty		
of a misdemeanor.....	73	492
required to make written monthly report of what.....	72	491
required to obtain license annually.....	72	491
the term "Game Fish" includes what fish.....	19	475
turtle dove; unlawful to kill.....	35	483

INDEX

FISH AND GAME—(Continued)

University of Montana

	Sec.	Page
authorized officials may take, capture, or kill what, for scientific purpose in Twin Buttes Game Preserve....	83-9	500
unlawful for any merchant, hotel or restaurant keeper to have in possession for sale or to sell game birds.....	58	488
unlawful to destroy nests or eggs of birds.....	42	485
unlawful to fish or hunt without a license.....	1	467
unlawful to kill any birds or animals on the University of Montana Biological Reserve.....	83-8	499
violations of act caused by great hunger or to avoid suffering	97	494
Wild Water Foul; number one may kill in one day.....	40	484
Yellowstone River, seine may be used in what part of.....	22	476

GAMBLING.

bucket shops prohibited.....	1	142
building or place where carried on or conducted, a nuisance....	2	162
card games prohibited, enumerated.....	1	142
games of chance played with cards, dice and other devices	1	142
playing for drinks or cigars prohibited.....	1	142
prohibited on pool or billiard tables.....	1	33
punch boards prohibited.....	1	142
slot machines prohibited.....	1	142
stocks or securities sold on margins.....	1	142
who prohibited from playing, dealing, carrying on or conducting	1	142

GOPHERS.

appeal to the District Court may be had, when.....	3	166
compensation of person appointed under the act.....	3	166
County Clerk shall enter amount charged against land upon the tax roll.....	3	167
County Commissioners may appoint a person to exterminate	1	165
County Commissioners may levy tax for promoting the destruction of gophers.....	4	167
expense of exterminating gophers on state land, to be paid by county	3	167
"Gopher Destruction Fund" shall be kept how and how expended	4	167
"Gopher" shall include what.....	6	167
land upon which gopher extermination taxes may be levied	4	167
maximum charge which may be made against any parcel of land	3	166
may purchase and furnish poison to whom and at what price	5	167
notice to owners of land infested with gophers to exterminate the same	2	165
notice to owner of time when and place where charges will be fixed	3	166
owner failing to kill, person appointed to get busy.....	2	166
owner may show cause why charges should not be made.....	3	166
person appointed to kill may enter upon premises of others, when	1	165
precautions to avoid killing domestic animals and game birds	2	166
reimbursement for poison and grain used.....	3	166
service of notice to exterminate upon railroad agent.....	2	165
service of notice when land is unoccupied and owner a non-resident	2	165
statement of time expended and materials used.....	3	166

GOVERNOR.

authorized to appoint Live Stock Commission.....	1	55
duty to appoint an additional Judge for the Tenth Judicial District	1	38
shall appoint a custodian of the State Capitol Building.....	1	49
shall appoint a Judge for the Eighteenth Judicial District.....	3	36
shall fill vacancies in tax and license commissions.....	1	100

GRAIN DEALERS AND PUBLIC WAREHOUSEMEN.

(See Index, "Montana Grain Inspection" Laboratory Ch. 54)
("Terminal Grain Elevator;" Ch. 150)

act shall not annul or effect any bond, license issued, storage or warehousemen, etc.	24	272
acts shall not effect what rights and liabilities.....	24	272
Attorney General shall be ex-officio attorney for Commissioner of Agriculture and Publicity.....	45	272
cleaning charges	41	271
criminal prosecutions to be in name of state.....	44	272
Commissioner of Agriculture and Publicity		
authority to examine books and records	40	271
shall issue license to whom.....	26	266

INDEX

GRAIN DEALERS AND PUBLIC WAREHOUSEMEN—(Continued)

Dealers	S. c.	Page
books and records of grain dealers, etc., open to inspection		
by whom	39	270
buyers, classification of	24	265
classification of	7	62
reports which may be required by Commissioner of Agriculture and Publicity	39	270
required to obtain license	7	62
to be licensed by whom	24	265
delivery of stored grain to be made at terminal elevator, when	34	269
delivery to public warehousemen for storage deemed a bailment	35	269
dockage which may be taken, only	38	270
each day business conducted without license, a separate offense	29	267
fees and charges may be increased, when and by whom	42	271
fee and charges may be reduced when and by whom	42	271
Grain and Warehouse Fund		
created	42	271
to be credited with what money	42	271
what shall be paid out of	42	271
Licenses		
application for, to be made to whom and to contain, what	25	265
may be refused after being once revoked	26	266
required	24	265
shall be revoked, when	26	266
shall give authority to do what	26	266
warehouse, grain dealers, license required for each	26	266
misdemeanor to use what weights and measures	38	270
Public Warehousemen		
applicant for license shall file bond with Secretary of State	27	266
bond of warehousemen to be approved by whom	27	266
bond of, requirements of	27	266
deliveries to be made in what order	32	268
dockage which may be taken, only	38	270
duplicate storage receipts shall be issued when and marked how	31	268
duty to receive what grain for storage	30	267
excuse for not receiving grain, when	30	267
fee for filing bond	27	266
felony, issuing false or fraudulent grain storage or warehouse or other false receipts	14	272
grain shall be delivered upon return of receipt and receipt marked cancelled	32	268
Liability		
for losses by fire or heating	37	270
for neglect	37	270
when grain not delivered within twenty-four hours after demand	32	268
one license required for each public warehouse	26	266
"Public Warehouse" defined	23	265
rates of charges for storage in public warehouses	36	269
reports to be made by, to Commissioner of Agriculture and Publicity	33	269
records to be kept by	33	269
records required to be kept by grain dealers, etc., form of	39	270
screenings to be delivered to owner, when	41	271
shall permit books and records to be examined by whom	33	269
shall receive grain without discrimination in persons	30	267
State Treasurer authorized to transfer what fund to grain and warehouse fund	42	271
Storage Receipts		
contents of	31	268
form of	31	268
shall be numbered, how	31	268
shall indicate that grain is insured	31	268
shall not limit liability	31	268
which shall be issued by	31	268
Track Buyer		
bond to be filed with Secretary of State	28	267
fee for filing bond of	28	267
required to obtain license before doing business	26	266
transacting business without a license, a misdemeanor	29	267
"Warehouse" defined	1	265
weights and measures only to be used	38	270
unlawful to use false or untested weights or measures	38	270

INDEX

	Sec.	Page
GUARDIAN.		
desertion or abandonment of child or children under fifteen, a felony	1	119
failure to support, care for and educate child under sixteen, a misdemeanor	1	117
judgment against a willful failure to care for, educate and support child under sixteen	2	118
HAIL INSURANCE.		
amount to be paid for losses arrived at, how	10	420
appraisers, duties of	8	422
appraisers shall not appraise their own losses	8	422
appraisers, to be appointed by whom	8	422
Board		
compensation and expenses of members of the Board	12	423
compensation of Chairman of the Board	12	423
creation of	1	419
duties of	1	419
duties in determining amount to be paid on losses	10	422
duty in examining reports and adjusting losses	9	422
meetings of	1	419
members of shall be appointed from what persons	1	419
rules and regulations	1	419
shall furnish blank forms to whom	1	419
terms of members	1	419
who shall be members of, ex-officio	1	419
County Assessor, duty to explain and advocate act	5	421
County Treasurers shall collect all tax levies made under act crops, which shall be insured	3	420
disposition of moneys collected under tax levies	6	421
farmers desiring to become subject to provisions of Act shall file blank, where	3	420
lessees may avail themselves of act, how	1	420
limit of amount to be paid on losses	5	421
losses to be reported in a sworn statement	10	423
persons growing other crops than those named may come under act, when and how	7	422
State Treasurer, duties concerning State Hail Insurance Fund	11	423
tax levy shall be a lien against the land	4	421
tax levy shall be charged to whom and extended upon tax roll	2	420
tax levy to be made against what lands	2	420
taxes, limitation of, per acre	2	420
taxes to be charged against what lands	2	420
warrants against Hail Insurance Fund shall bear four per cent interest, when	1	420
who shall be liable for taxes	4	421
who shall be liable for taxes	5	421
Mutual Hail and Farm Improvement Company		
number of persons, not less than 100, who may form	1	197
HERD DISTRICTS.		
abolishment of, when and how	1	103
animals prohibited from running at large between March 15th and November 15th	2	103
claim for damages shall not be maintained, when	5	104
County Attorney, duty of upon the filing of a verified com- plaint	3	103
County Commissioners shall declare same created, when	1	103
creation of, how	1	103
damages, arbitration of amount to be paid	6	104
damages by trespassing animals to be paid by and to whom	4	104
damages for trespass not collectible in absence of legal fence	1	103
delivery of impounded stock upon execution of bond by owner driving or introducing live stock into a herd district or plac- ing them so that they will commit trespass, misde- meanor	7	105
fine to be paid by owner of stock found outside of an en- closure within a herd district	8	105
fine of owner of stock running at large to be collected, how	3	103
hearing of and protest, time must be set by whom	3	103
lands included shall not lie partly within and partly without the districts	1	103
lien upon trespassing animals	4	104
notice of hearing of petition and publication thereof	1	103
notice to owner of trespassing animals impounded	5	104
notice to sheriff when owner cannot be found	7	105
penalty for driving or introducing stock into herd district	8	105
petition for creation to be signed by whom	1	103
petition for, qualification of signers	1	103
petition for shall set forth what	1	103

INDEX

HERD DISTRICTS—(Continued)

	Sec.	Page
petitions to be filed with whom.....	1	103
proceeds from sale of animals under judgment of court dis- posed of how.....	7	105
territory to be included in.....	1	103
trespassing animals may be sold, when and how.....	7	105
trespassing animals may be taken up, when.....	5	104

HIGH SCHOOLS.

apportionment of money derived from special tax levy.....	1	176
attendance shall be free to whom and when.....	2	176
board of County Commissioners shall fix special levy, when.....	1	176

County High Schools

Bonds

duty of County Commissioners in submitting question of issue.....	1	416
indebtedness against what property and territory.....	1	416
limit of amount which may be issued.....	1	415
term of.....	1	415
district high schools may be discontinued, how and when.....	1	416
district high school must be discontinued, when.....	1	416
duty of Chairman of Board of Trustees concerning spe- cial tax levy.....	1	176
duty of clerk to certify to County Commissioners deci- sion of the board to submit bond issue.....	1	415
money derived from bonds or tax levy to be disposed of, how.....	1	416
question of issuing bonds, to be submitted to whom.....	1	417
tax levy.....	1	416
special tax levy to be made for, when.....	1	176

Normal Training Course

accredited high schools may establish normal training courses for whom.....	1	188
appropriation for establishing.....	1	505
certificates to teach shall be given after July, 1920, to whom only.....	8	189
common school fund not to be used for normal course, until, when.....	9	189
conditions upon which money shall be apportioned to.....	2	505
County Superintendent, duty to visit and report.....	5	189
instructors in domestic science, agriculture, and manual training to have special training.....	3	188
instructors in normal training work to be approved by whom.....	3	188
junior college course shall conform to what requirements.....	6	189
library required.....	4	188
money appropriated to be distributed, how.....	1	505
shall include what amount of work and what subjects.....	2	188
schools to which funds may be apportioned.....	2	505
schools which are not entitled to apportionment of money... Superintendent of Public Instruction shall outline normal course in.....	3	505
Superintendent of Public Instruction to prescribe necessary rules and regulations.....	2	188
teacher's second grade certificate may be issued to whom.....	5	189
tuition shall be free.....	4	506
	7	189

HIGHWAYS—(In General).

act shall be known as what.....	1	439
all road taxes collected in remote districts to be annually expended in such.....	8	445

Bonds

limitation of indebtedness of county.....	2	441
may be issued for construction or improvement of, when....	2	441
proceedings prior to issue required.....	2	441

Common or Public, designated.....	4	439
-----------------------------------	---	-----

County Clerk

shall keep minutes of orders and proceedings relating to highways.....	1	442
---	---	-----

County Commissioners

compensation of member of board, acting as Road Inspector.....	12	446
contract for roads, bridges, etc.....	7	443
duty to acquire right of way for highways.....	2	442
duty to abolish or abandon highways, when.....	2	442
duty to cause to be surveyed, viewed, laid out, recorded, etc., what highways.....	2	442
may divide county into suitable road districts, etc.....	2	442
may do whatever necessary for best interest of road.....	2	443
may employ road builders.....	2	443

INDEX

HIGHWAYS—(Continued)	Sec.	Page
may issue bonds how and for what purpose.....	2	412
may purchase or acquire road material, and sell surplus of same.....	3	443
monthly and quarterly settlements with road supervisors.....	9	416
must make reports to highway commission.....	2	413
plat books, showing map of highways and counties.....	2	412
power to purchase road machinery.....	3	413
County Surveyor		
compensation and expenses.....	12	446
entry of inspection of, to be made when and where.....	13	417
Drains and Ditches		
claim for damages.....	10	446
power to open and construct.....	10	446
stopping or obstructing; penalty.....	10	446
Establishing, changing, Abolishing etc.		
awards of damages and expenses to be paid out of what fund.....	8	449
condemnation proceedings to be instituted by whom.....	7	448
contract to be let by bids, when.....	11	449
contract to be let to lowest responsible bidder.....	11	449
contractors bond.....	11	449
crossing of railroads, canals and ditches.....	13	450
County Clerk must notify supervisor when highway is opened, constructed, altered, etc.,.....	11	449
County Commissioners		
duty in ascertaining amount of damages sustained in location or alteration of highways.....	5	448
shall declare road, public highway, when.....	5	448
Damages		
award of, when deemed rejected.....	7	448
sustained in the location, establishing or alteration of highway to be paid to whom.....	5	448
to be determined, how.....	6	448
defects, informality or irregularity, effect of.....	17	451
fence must be removed by county at owner's expense, when.....	14	450
fences, notice to remove must be given, when.....	14	450
hearing of petition.....	3	447
highways not to be ordered opened through fields of growing crops until when.....	10	449
notice of decision of County Commissioners.....	4	448
petition to abandon, discontinue, alter or construct, to continue what.....	2	447
petition to change road to run on subdivision or section lines, proceedings.....	16	450
petition to establish, change or discontinue any common or public highway.....	1	447
plats, etc., to be filed when highway is opened or altered.....	9	449
proceeding when prayer for opening highway is granted.....	5	448
section lines to be followed in laying out roads, when.....	15	450
survey, plat and field notes of opened highway to be filed where.....	5	448
title to right of way and evidence thereof recorded.....	12	450
work of opening, constructing, altering, etc., to be let by contract, when.....	11	449
Highway Commission, State		
accounts and expenditures shall be certified and paid by whom.....	10	429
act not to invalidate existing contracts.....	11	429
actual expenses only to be paid and allowed by whom.....	3(d)	425
apportionment of moneys collected from motor vehicle license authorized to assent to Federal Road Aid Act.....	9	428
authorized to enter into contracts with Federal Government relating to surveys, construction, etc., under Federal Act.....	8(a)	427
bond of contractor.....	8(a)	427
created, consisting of twelve members.....	7(a)	427
duty of existing commission to turn over what to present commission.....	3	424
Executive Committee		
appointment and qualifications of.....	12	429
compensation and expenses allowed.....	3(c)	425
contracts to be let by, how.....	4(d)	426
directed to formulate rules to carry out provisions of Act.....	7(a)	427
duty to give advice and assistance in road construction, etc.,.....	6(a)	426
monthly meetings to be held, when and where.....	6(c)	427
power to employ engineers, assistants and office help.....	4(c)	426
	6(b)	426

INDEX

HIGHWAYS—(Continued)	Sec.	Page
proportion of motor vehicle license money to be spent by	9	428
records to be kept, maps and other papers to be filed.....	6(c)	427
quorum	6(d)	427
selected, when and term of office.....	4(a)	425
first meeting to be held, where and when.....	3(c)	425
funds to be turned to the State Highway Fund.....	9	428
good faith of the state pledged to furnish funds equal to		
those furnished by government.....	8	428
Governor shall appoint one member from each district....	3	424
meetings to be held, when and where.....	3(c)	425
no member or employe of commission shall be interested		
in any contract.....	7(b)	427
no more than six members shall be of the same political		
party	3	424
object and purposes of act.....	1	424
President, appointment of.....	4(d)	425
rules and regulations.....	5(a)	426
rules and regulations for construction, repair and main-		
tenance of state highways.....	5(b)	426
Secretary of State, duty to make monthly reports to		
Treasurer and Executive Committee.....	9	428
shall designate what shall be State Highway.....	5(b)	426
State Highway Fund created.....	9	428
terms of members.....	3(b)	425
vacancies in office, how filled.....	3(b)	425
Inspection		
by County Commissioners.....	1	177
compensation of County Commissioners inspecting roads and		
improvement	12	446
County Commissioners may direct whom to inspect.....	12	446
inhabitants may be ordered out in removing obstructions,		
when	7	445
limit to quarterly expenditures in road districts.....	8	445
Local Assessment District		
boundaries and lands to be included within.....	6	453
damages and expenses shall be advanced by county, when.....	8	455
damages shall be paid in what manner.....	8	455
district shall be created, when.....	7	454
Local Improvement District		
act shall be construed, how.....	27	466
apportionment of costs and expenses of improvement upon		
lands of district.....	14	459
assessment may be paid in lieu of issuing of bonds by		
owner, when	20	462
assessments to be ratable on the front foot plan.....	6	454
Assessment Roll		
corrections and changes to be made, when and by whom	14	459
proceedings and hearing of objections to.....	14	459
shall be confirmed, when and by whom.....	14	459
audit of claims against district, to be made by whom.....	24	464
balance of unused fund to go to the general fund of the		
county, when	25	465
Bids		
certified checks shall accompany.....	12	457
check accompanying, forfeited when.....	12	457
for contracts shall be advertised.....	11	456
notice for bids shall contain what.....	12	457
shall be open, when and where.....	12	457
bond of contractor.....	11	456
Bonds		
call for, shall be made how.....	22	463
copy of section 23 shall be written or engraved.....	23	464
date of, when paid to contractor in settlement.....	24	465
denomination, form and provisions of.....	19	462
disbursement of proceeds of sale of.....	24	465
interest coupons	19	462
interest on, to be paid out of what fund.....	22	463
lien of, may be foreclosed by holder, when and how.....	23	463
lien of, shall remain inviolate and perpetual and prior to		
all others	13	459
limit of county's responsibility upon.....	23	464
may be issued in payment to contractor, when.....	21	463
order may provide for sale of, when.....	21	463
notice to be given property owner that special bonds		
will be issued against property, when.....	20	462

INDEX

LOCAL IMPROVEMENT DISTRICT—(Continued)	Sec.	Page
shall be called in and paid, when.....	22	463
shall become property of the county, when.....	13	458
shall be paid to contractor, when.....	24	465
term and interest of.....	19	461
when costs and expenses of improvement to be ordered paid in bonds.....	18	461
who may be made parties to foreclosure proceedings.....	23	464
Committee of Supervisors		
duties and proceedings of when installment plan adopted.....	17	461
per diem compensation of.....	13	458
shall apportion cost expenses upon lands of district, how.....	14	459
condemnation proceedings to be instituted when damages are not agreed upon.....	8	455
Contract		
for construction and completion of work, to be let by whom.....	11	456
may be let to whom.....	11	456
percentage to be withheld until contract is finished.....	11	456
to be executed by County.....	11	457
Counties		
limit to cost of proportion of improvements to be paid by.....	10	456
may be recompensed by district when and how.....	13	458
may take the place of a private contractor, when.....	13	458
County Assessor: duty to report and file duplicate assessment roll of lands in district with whom.....	14	459
County Clerk: duty to notify County Surveyor of time and place of hearing and petition.....	4	452
County Clerk: duty when immediate payment plans is adopted.....	16	460
County Commissioners		
authority to pay county's proportion of cost of improve- ment.....	10	456
order providing for payments in bond.....	18	461
powers and duties in authorizing and directing the issu- ance of bonds.....	19	461
powers and duties in constructing, laying out or improv- ing main highways.....	1	451
proceedings and order to be entered when installment plan is adopted.....	17	461
resolution to be passed when petition presented for improving, laying out, or constructing main highway.....	2	451
shall make order of record showing amount to be paid by county and district, when.....	9	455
shall order improvements and construction to be made, when.....	7	454
shall publish notice of assessment roll, when and where.....	14	459
County Surveyor		
duties concerning roads sought to be constructed or improved.....	5	453
report of maps, descriptions, plans, etc., of district.....	7	454
shall prepare plans and specifications, estimates of cost of proposed roads.....	5	453
shall prepare plats of local assessment district.....	5	453
County Treasurer		
duty regarding the collection of installments.....	17	461
duty to give what notice to owner before special improve- ment bonds are issued.....	20	462
shall give notice for publication of immediate payment plan, how and when.....	16	460
district may contract with county commissioners to con- struct or improve highways, when.....	13	458
estimates to be made by whom.....	24	464
improvements to be deemed completed, when.....	11	457
installments and assessments to be paid to whom.....	20	463
installment plan; owner may pay in full and release land, when.....	21	463
inspector: appointment of.....	13	458
inspector: duties and compensation.....	13	458
lien of bonds shall not be released until when.....	13	459
lien of labors and material men.....	11	457
limit in amount to be contracted for.....	11	456
limitation of liability of county.....	11	457
maps, plats, reports and estimates of County Surveyor to be filed, where.....	7	455
money collected on installment payments, reserved and disbursed, how.....	24	465
notice of meeting to hear petition to contain, what.....	4	452
order for the payment of audited claims, to be given by whom and when.....	24	464

INDEX

LOCAL IMPROVEMENT DISTRICT—(Continued)

	Sec.	Page
moneys collected under provisions of act to belong to what fund	1	440
money from general road fund may be appropriated to district, when	8	445
monthly and quarterly settlements of road expenditures misdemeanor; refusing to be present or to obey directions, etc., in removing obstructions from highway	9	446
private highways and by-roads, width of	7	445
proportion of moneys derived from motor vehicles license to be spent in county	6	440
Payments	6a	110
audited claims and estimates	24	464
collection, delinquency and penalties	16	461
installment payments shall be in the form of bonds	15	460
installment payments shall be made at what period	15	460
notice of immediate payments to be given to owner	16	460
partial payments may be provided for	11	456
two methods of making	15	460
obstructions to roads and bridges and removal thereof	7	445
percent of costs to be assessed on respective parts of district	6	453
petition for improvement shall state what	9	455
petition for opening, laying out, etc., shall contain what	3	451
publication of notice of hearing of petition	4	452
refunding of money collected in excess of requirement	25	465
road completed under act shall be deemed a main highway	26	466
road completed under act shall be maintained how	26	466
Supervisors		
duties concerning roads sought to be constructed and improved	5	453
duty of supervisors and County Surveyor to review, examine and survey road	5	453
to review proposed roads to be selected	4	452
Taxation		
assessments and adjustment thereof	6	453
assessments of costs of construction and improvement of main highway, first lien	1	451
assessment roll, requirements and adoption of	14	459
time and place of hearing petition	4	452
who may present petition for laying out, constructing or improving a main highway	3	451
Public Highways		
classification of	1	439
defined	3	439
"Highway" shall include what	2	439
order to abandon, invalid when	5	439
requires right of way only, when	7	440
to continue as such, until when	5	439
width of	6	440
road builders, duty of	2	443
road head tax	1	440
Road Supervisor		
duty in caring for and observing tools and implements	12	446
employment of labor, teams and implements and contract as to prices	6	445
general duties and powers	5	444
powers and duties in moving obstructions	7	445
qualification, oath of office, bond and compensation	4	443
term of service	4	443
Special Road Districts		
act, intention of	1	255
act intended to establish special district when desired	22	263
act shall not be construed, how	22	263
all supervision, repairs and maintenance of roads to be done by district	1	256
bills against, to be kept filed and numbered, how	11	259
bridges to be known as County Bridges	1	256
bridges, when to be known as district bridges	1	256
Board of Directors		
authority, powers and duties within district	6	257
compensation of	18	262
compensation as road reviewers	18	262
election number and term of office	3	256
may be appointed road reviewers	18	262
may contract for what	7	258
may employ and discharge what labor and help	7	258
meetings of, to be held when	19	262
organization and officers of	3	256
qualification of	3	256

INDEX

SPECIAL ROAD DISTRICTS—(Continued)	Sec.	Page
treasurer, bond of.....	3	256
vacancy, how filled.....	3	256
County Assessor, duty to report assessed valuation of district, to whom.....	9	259
County Commissioners		
action and hearing upon district election report.....	16	262
authority, power and duties.....	1	255
duty regarding petition for creation of district.....	4	257
exclusive power to open and establish new roads.....	21	263
hearing of petition and notice thereof.....	4	257
hearing of petition, limited to what.....	5	257
shall create district, when and how.....	5	257
shall set aside fifty percent of taxes collected in district, when.....	20	262
to divide highways on boundary line between two districts	17	262
County Superintendent of Roads		
shall act as general road supervisor to whom.....	2	256
to have general supervision over what.....	2	256
who may be designated as.....	2	256
County Surveyor and Deputy		
compensation of, and of deputies.....	2	256
County Treasurer		
duty to keep tax district funds separately.....	10	259
duty to make monthly reports to Board of Directors.....	10	259
duty to report to County Commissioners his auditing of district accounts.....	11	259
shall credit whom with payment of poll tax.....	12	259
shall pay out money from fund upon what warrant.....	11	259
ditch companies to bridge their ditches.....	1	256
District		
funds of to be used for what purposes only.....	10	259
how created where county not divided into districts.....	4	257
may be abolished, how.....	23	263
shall be created when and how.....	5	257
shall be corporate bodies.....	1	255
District Treasurer		
shall collect poll tax and receive commission.....	12	259
shall forward bills allowed to whom.....	11	259
shall pay special road tax money to County Treasurer, when.....	12	259
shall report to County Treasurer annually, when and what.....	12	259
Elections		
ballots to be preserved until, when.....	16	262
challenge of voter.....	14	261
for abolishing district to be held when.....	23	263
judges of.....	15	261
Judges shall count ballots, when.....	16	261
Judges shall forward report of election to County Clerk	16	262
notice of may be given by two legal voters, when.....	13	260
notice of shall be given by whom and in what manner.....	13	260
notice shall be posted and published, where.....	13	260
oaths to be administered to challenged voter.....	14	261
of Board of Directors shall be held where and when.....	13	260
proceedings in case of a tie vote.....	16	262
qualifications of electors.....	14	261
report of to be referred to County Commissioner for what purpose.....	16	262
vote of challenged elector to be rejected when.....	15	261
when district includes more than one school district.....	13	260
who shall be declared elected directors.....	16	261
funds may be advanced by county to district for temporary purposes.....	20	262
highways on boundary of two districts to be apportioned how.....	17	262
labor on road may be performed in lieu of poll tax.....	12	259
law is applicable to special road districts.....	22	263
moneys collected under the act not to be expended where new roads, when established shall be maintained at expense of district.....	24	263
petition for the creation of.....	21	263
poll tax.....	4	257
poll tax not to apply to what incorporated places.....	12	259
poll tax shall be collected, when.....	12	259
power to issue bonds not given.....	1	255
purposes for which district created.....	1	255

INDEX

SPECIAL ROAD DISTRICTS—(Continued)

	Sec.	Page
repair and construction of roads to be county charge, when.....	1	256
road machinery, tools and implements borrowed of county to be returned how and when.....	6	257
road supervisor, duty of.....	6	257
road supervisors may be appointed and discharged by whom.....	6	257
special Deputy County Surveyor to be appointed by whom and when.....	1	255
tax levy not to apply to incorporated cities and towns.....	8	258
tax levy to be collected how.....	8	258
taxes which may be levied against property of the district.....	8	258
warrants shall be drawn when and upon what evidence.....	11	259
state divided into twelve highway districts described.....	2	424
state highways cannot be abandoned except on joint order of whom.....	5	439
State Treasurer authorized to receive warrants drawn by United States for credit of Highway Fund.....	10	429
Taxation		
annual highway tax to be levied.....	1	440
collection of taxes shall be under the direction of whom.....	1	440
employer shall pay special road tax how and when.....	4	441
list of employes to be furnished County Treasurer.....	3	441
penalty for failure or refusing to furnish list of employes.....	3	441
provision not to apply to what cities and towns.....	1	440
special road tax receipt books to be furnished employer.....	3	441
tools, implements and machinery to be furnished road supervisor when.....	11	446

HILL COUNTY.

shall be embraced in the Eighteenth Judicial District.....	1	25
--	---	----

HISTORIAN.

(See "State Historian;" Ch. 53)

HOTELS.

eight hour day for female help.....	1	18
eight hour day prescribed female help.....	1	92
removing baggage with intent to keep.....	1	7

HOURS OF LABOR.

Females

eight hour day limit of employment in what places.....	1	92
hours of work may be arranged how.....	1	18
hours of work may be arranged how in retail stores.....	1	92
misdemeanor to violate the provisions of act.....	3	92
not to be employed for more than eight hours per day where penalty for violation of act.....	3	19
seats for female employes shall be provided where.....	2	92
seats to be provided for in certain employments.....	2	19
violation of act a misdemeanor.....	3	19
for members and employes of city fire departments.....	1	145
employes about public buildings, works and grounds.....	1	34
mills and smelters and under ground mines and preparing coal for market.....	1	34
public works and contracts.....	1	34

HUSBAND AND WIFE.

amount which court may order paid to wife or dependent child upon conviction of husband.....	2	118
condition of undertaking to carry out judgment by defendant court may order defendant, upon conviction, to pay a weekly sum to the wife or guardian of dependent children, etc.	2	118
husband may be compelled to work upon public highways when and for what time.....	2	118
husband who willfully abandons wife in destitute condition or refused to provide for her, guilty of a misdemeanor.....	1	117
person failing to care for, support, etc., dependent child, guilty of a misdemeanor, when.....	1	117
proof of abandonment or failure to support is prima facie evidence of what.....	3	119
upon conviction for violating section 1, order to be entered by Court.....	2	118

IMITATION CHEESE.

license to be paid by dealers.....	1	172
------------------------------------	---	-----

INDEX

INDETERMINATE SENTENCE. (See Index, "Courts;" Ch. 16)	Sec.	Page
INDICTMENT OR INFORMATION. may be found on information filed within what time when defendant has been absent from state.....	1	4
INDUSTRIAL SCHOOL. (See Index, "Montana State Industrial School;" Ch. 57)		
INDUSTRIAL ACCIDENT BOARD. Boiler Inspectors, number to be assigned to each district and changed when districting state for Boiler Inspection..... fees of Boiler, Mine and Coal Mine Inspector..... fees of inspectors to be paid into what fund..... inspectors of boilers, coal mines, quartz mines and steam- boats to be appointed by..... laws prescribing qualifications, powers and duties of Boiler, Steamboat, Mine and Coal Mine Inspector continued in force and effect..... salaries of boiler and other inspectors to be fixed by..... shall prepare rules and regulations governing boiler, mine and coal mine inspectors.....	4 4 5 5 2 6 3 4	156 156 156 156 156 156 156 156
INHERITANCE TAX. court order to be obtained by Executor or Administrator before paying duplicate receipts to be given upon payment..... to be paid to what counties.....	1 1 1	43 43 43
INSPECTOR OF BOILERS. office of, placed under general supervision of State Industrial Accident Board	1	155
INSPECTOR OF MINES. office of, placed under general supervision of Industrial Acci- dent Board	1	155
INSPECTOR OF STEAM BOILERS. office of, placed under general supervision of Industrial Acci- dent Board	1	155
INSURANCE. (See Index, "Fraternal Benefit Society;" Ch. 164) ("Hail Insurance," Ch. 169)		
INSURANCE COMPANIES. business which one company can carry on in combination.... life insurance or fire insurance companies not effected by act license fees to be paid by all companies other than fire and life	2 2 3	170 170 170
Mutual Hail and Farm Improvement Insurance who may form company.....	1	197
INTOXICATING LIQUORS. act shall not conflict, amend or repeal what..... act shall take effect and be in force, when..... act to be deemed for what purpose..... action to abate and perpetually enjoin common nuisance may be brought by whom..... action under section 8 not a bar to any prosecution..... advertising in any manner forbidden..... advertising name and address of manufacturers or dealers forbidden	38 2 1 2 8 4 4	253 504 239 221 242 239 239
alcohol for scientific or manufacturing purposes, act not to effect	38	253
"An habitual violator of the laws of this state relating to intoxicating liquors," defined.....	32	253
arrest of persons in charge of premises where intoxicating liquors are sold contrary to law.....	4	221
assistant Prosecuting Attorney may be employed by whom bond required of owner or tenant of buildings and struc- tures where liquor unlawfully sold or kept.....	29 6	252 240
buildings, structures and places which may be closed on order of Court until owner gives bond.....	6	240
burden of proof.....	8	242
change of Judge may be had, when and how.....	21	248

INDEX

INTOXICATING LIQUORS—(Continued)		Sec.	Page
clubs and other places not to be maintained for what purposes	5	240	
common carriers carrying or delivering, when unlawful.....	25	250	
common nuisances, place named where intoxicating liquors are unlawfully sold or kept.....	1	220	
	6	240	
complaint in prosecutions, things unnecessary to allege.....	14	246	
complaint to be filed when law violated in the presence of officers	9	243	
consignee required to sign record before receiving goods.....	26	250	
contempt, what deemed	3	221	
contents of two percentum of alcohol deemed such.....	2	239	
County Attorney, duty respecting the enforcement of laws....	19	247	
County Attorney, duty to produce, together with bar fixtures as evidence, when.....	5	222	
County Attorney may be removed from office for neglecting what duties	19	247	
Court may appoint special officer to destroy property, when	8	242	
Court may order property seized and forfeited, sold when	8	242	
Court shall enter judgment of forfeiture and destruction of property seized, when.....	8	242	
Court shall order nuisance abated and place closed until, when	6	240	
damages; right of for injury by intoxicated person.....	30	252	
definition of the term "This Act".....	35	253	
delivery by common carrier when shipped to a fictitious person, a misdemeanor.....	24	249	
delivery by officers or employes of common carrier without written order	23	249	
denatured alcohol, act not to apply to manufacturer of.....	38	253	
District Court, jurisdiction of.....	37	253	
duty and powers of Justice of the Peace in inquiries concerning violation of liquor law.....	12	244	
duty of all officers to seize intoxicating liquors held for sale contrary to law.....	4	221	
duty of all prosecuting attorneys to diligently inquire into violation of liquor law, when.....	12	244	
duty of magistrate concerning intoxicating liquors and bar furniture	5	221	
duty of magistrate to cause immediate public destruction of, by the Sheriff, when.....	5	222	
duty of prosecuting attorney to prosecute offenders against liquor laws	12	245	
fees and mileage of officers serving subpoenas by prosecuting attorneys	13	245	
felony; officer convicted of violation of provisions of section 18	18	247	
finances and costs for violating any intoxicating liquor law lien upon real estate of defendant.....	11	243	
finances, penalties and forfeitures to be paid into what fund.....	36	253	
hearing and proceedings upon return of search warrant.....	8	242	
incriminating testimony not to be used against whom.....	16	247	
"Intoxicating Liquors" defined.....	2	239	
intoxicating liquors, glasses, bottles and bar paraphernalia declared a common nuisance, when.....	1	220	
leased building subject to lien of fine and cost, when.....	11	243	
license of liquor dealers shall not be issued to extend beyond what date	1	414	
liens for fines may be collected how.....	11	243	
liquors not included in act.....	1	503	
magistrate's duty to destroy together with bar paraphernalia and fixtures, when.....	5	221	
Misdemeanor			
consignee giving order for delivery of liquors to another.....	22	249	
delivery to other than consignee without written order.....	23	249	
failing to keep books when liquor sold for scientific or manufacturing purposes	28	251	
maintaining places for sale of liquor contrary to law.....	1	220	
manufacture, introduction, sale and exchange of.....	1	503	
unlawful disposition of liquor by officer.....	17	247	
witness disobeying subpoena of certain officers or to testify	12	244	
no right of damages to accrue to owner of intoxicating liquors, bar fixtures, etc., so destroyed.....	5	221	
Officer			
duty to arrest without warrant, when.....	9	243	
duty to notify County Attorney of violation of act.....	20	248	
duty to seize liquor and bar furniture without warrant, when	9	243	
duty to seize all glasses, bottles, kegs and other property used in sale of intoxicating liquors contrary to law	4	221	

INDEX

INTOXICATING LIQUORS—(Continued)

	Sec.	Page
forbidden to receive anything of value for protection, etc.....	18	247
removal from office, proceedings.....	21	248
right of, in case of suspension.....	21	248
unlawfully disposing of liquor, penalty.....	17	247
who may be removed upon failure to perform duties imposed by liquor laws.....	21	248
peace officers may be removed from office when.....	20	248
original package, unlawful to open and divide same, where.....	27	251
penalty misdemeanors wherein not otherwise prescribed.....	34	253
penalty upon conviction after second conviction.....	32	253
penalty upon second conviction.....	30	252
penalty which may be recovered for violation of bond of owner or tenant.....	6	240
"Person" defined to include whom.....	3	239
persons to whom liquor furnished shall be competent witnesses.....	14	246
places where sold contrary to law, a nuisance.....	2	162
power of Justice of the Peace to fine for contempt.....	12	245
Prima-facie Evidence		
books of common carrier in liquor shipments.....	26	250
books required to be kept by persons selling for scientific purposes.....	28	251
of former conviction.....	33	253
records of United States Internal Revenue Office.....	15	246
United States stamps and licenses.....	15	246
proceeds of sale of forfeited property to be paid into what fund.....	8	242
proceedings when property seized by officer without warrant.....	9	243
prosecution shall not be dismissed over objection of Associate Counsel.....	29	252
protection against provisions of act by an officer.....	18	247
record of shipments to be kept by common carriers.....	26	250
records to be kept by person selling for scientific or manufacturing purposes.....	28	251
replevin does not lie to recover property seized under authority of act.....	10	243
search warrants shall direct what.....	7	241
search warrant to be served upon whom.....	7	241
second conviction, penalty.....	31	252
soliciting orders for the purchase or sale of, forbidden.....	4	239
testimony of persons purchasing or ordering prohibited liquors not to be used how.....	5	240
unlawful for consignee of liquors to give order of delivery to another.....	22	249
unlawful to act as agent in any manner for dealers or manufacturers of.....	4	239
unlawful to break open original package or divide same upon premises of common carrier.....	27	251
unlawful to dispose of, by persons owning or controlling places named.....	6	240
unlawful to maintain or to assist in any manner club houses or other places for such purposes.....	5	240
verification of complaint upon information and belief, effect of.....	12	245
violation of act to be punished how.....	3	221
violation of any portion of section 5, a misdemeanor.....	5	240
warrant to search private dwelling not to issue except when warrant of search upon probable cause shown to be issued when.....	7	241
what liquors shall not be manufactured or introduced into state.....	1	503
what necessary to prove in action for damages.....	30	252
what shall be prima facie evidence of contraband character of liquor and other property seized.....	8	242
what shall be prima facie evidence of existence of nuisance when one company can carry on businesses enumerated in section.....	2	170
wife and other persons who may recover damages resulting in sale to intoxicated persons.....	30	252
wine for sacramental purposes, act not to effect.....	38	253
witnesses fees, how certified and paid.....	13	245
witnesses refusing to obey subpoena or answer question.....	12	244
witnesses who not excused on account of incriminating testimonies.....	16	247
witnesses who shall be incompetent.....	14	246
who may be heard upon return of search warrant and seizure of property.....	8	242

INDEX

	Sec.	Page
INVESTMENT COMPANIES.		
debentures not included in deposit liabilities, when.....	50	228
IRRIGATING DISTRICTS.		
all lands in the district shall pay in the same rate except when	10	336
amounts to be paid United States under contract, to be a lien upon lands of the district.....	8	333
Board of Commissioners		
adopt rules and by-laws.....	2	328
duties and proceedings for distributing lien throughout district	8	334
dominion over property of district.....	5	330
election to be called for electing when.....	4	330
general powers of, to act under Federal Statutes.....	2	328
general powers to carry out purposes of act.....	2	328
may accept appointment to collect money for the United States	2	327
orders and resolutions shall be passed and adopted how.....	2	328
powers and duties.....	2	326
power of, in acquiring government lands.....	2	327
shall constitute the corporate authority.....	2	326
shall determine amount of money necessary to be raised when	2	329
shall hold first meeting and organize, when.....	4	330
shall provide for levying special tax upon newly included lands	9	336
term of office.....	4	330
Bonds		
may be deposited with the United States in what amount and for what purpose.....	2	327
not to be issued and contract with Federal Government not made except when.....	7	332
of district may be issued for what purpose.....	7	332
order for issue shall contain what.....	7	332
order of board directing issue to be made when.....	7	332
petition for, shall contain what.....	7	332
shall be a lien upon all lands included in district.....	8	333
changes which may be made in proposed districts.....	2	324
compensation to be allowed owner of ditches and canals brought into district.....	6	331
contest by dissatisfied owner concerning special tax assessment	8	335
contest of petition, who can make.....	2	324
contracts with the United States which may be entered into copy of order of court shall be filed with County Recorder, when	2	327
decree of Court to be conclusive in what matters.....	2	326
district under act shall be corporation.....	2	335
District Court		
order to be entered when petition substantially complies with requirements	2	325
powers concerning the hearing of petition.....	2	324
shall dismiss petition when.....	2	325
Election		
for electing Commissioners to be called when.....	4	330
regular annual, shall be held when.....	4	330
employment of Irrigation Engineer and duty.....	2	329
entry upon the land for surveys and locating works may be made by whom	2	326
entrymen on public lands deemed to be holders of evidence of title	1	323
general plan for carrying out purpose of act to be adopted....	2	329
indebtedness, reappropriation of, and special tax when district extended	9	336
Irrigated Lands		
in district, to be allowed what amount of water.....	6	331
included upon petition of sixty-five (65) percent of owners	2	325
which may be included upon petition.....	6	331
which shall not be brought into district.....	6	331
Lands		
already under irrigation may be included in the district when discharged from bond lien when.....	6	331
included in district to constitute all the taxable property of the district	8	334
of district shall be subject to special taxes for what purpose	2	326
susceptible of irrigation from same general source shall not be excluded	8	333
	2	324

INDEX

IRRIGATING DISTRICTS—(Continued)		
to be perpetually liable for maintenance administrative purposes	Sec. 8	Page 334
to which bond and contract lien does not attach	8	333
which are afterwards included in district to be charged with what indebtedness	9	335
which may be included when district formed to co-operate with the United States	2	325
which shall not be included in the district	2	325
limit to price paid for property without written consent of majority in number and acreage	2	327
Liens		
of bonds and money due the United States under contract	8	333
on existing districts may be spread, when and how	8	334
proceedings to spread in existing districts	8	335
to be apportioned on each forty acre tract, how	8	333
may be formed to co-operate with United States	1	323
money in sinking fund may be invested when	8	334
money in sinking fund to be used how	8	334
money to be placed in sinking fund for retirement of bonds, etc.	8	334
notice of board's determination regarding money necessary to be raised	2	329
order of court conclusive of what	2	326
order of court establishing districts	2	325
petition may be amended, when	2	324
property for the use of the districts may be condemned	2	326
property which may be conveyed to the United States	5	330
special taxes may be paid when	8	333
surveys, maps, plans and estimates shall be made under supervision of whom	2	329
surveys, maps and plats for spreading lien	8	334
Taxation		
taxes and assessments which shall constitute prior liens	8	333
title to all property acquired shall vest in district, when	5	330
title, what sufficient under this act	1	323
water may be appropriated, acquired or purchased in name of district	2	326
when lands shall pay in accordance with the Federal Reclamation laws	10	336
who may propose organization of district	1	322
JACKASS.		
unlawful to permit unaltered jackass over 18 months old to run at large	1	206
JUDICIAL DISTRICT.		
First District		
jurisdiction of, to compel attendance of witnesses before State Board of Equalization	8	128
Tenth District		
compensation, powers and duties of additional Judge	1	38
duty of Governor to appoint an additional Judge for	2	38
two Judges provided for	1	38
Twelfth		
shall hereafter embrace what territory	2	35
Fourteenth		
Wheatland county to be attached to	2	65
Sixteenth		
Carter county embraced in	2	72
Eighteenth		
act shall not work removal of any clerk of District Court in	5	36
creation of and territory embraced	1	35
powers, duties, compensation and term of office of Judge	4	36
JURIES.		
Fees	1	4
in trials upon appeals by Nurses from Board of Graduated Nurses to consist of whom	1	199
list of names of members of fire departments be filed with county clerk	1	21
mileage	1	4
persons exempt from jury duties	1	21
when payment of per diem and mileage in discretion of Court	1	4

INDEX

	Sec.	Page
JUSTICES OF THE PEACE.		
fees, disposition of in civil matters.....	2	140
fees to be paid into what fund.....	2	140
fees which may be collected by in townships of over ten thousand.....	2	140
may be removed for malfeasance in office, when.....	3	141
may collect fees in townships of less than ten thousand inhabitants.....	1	140
monthly reports, when made, to whom, and consisting of what office hours in townships of over ten thousand.....	2	140
office quarters to be where.....	1	140
salaries of in large townships.....	1	140
to be Deputy Registrars, when.....	1	41
violation of provisions Chapter 84 a misdemeanor.....	3	141
when paid salary to receive no fees, except when.....	1	140
LANDLORD AND TENANT.		
damages which may be collected when lessee of oil and gas or mineral lands neglects to release same.....	2	25
Oil, Gas and Mineral Cases		
demand before action commenced to cancel lease.....	3	25
to be released of record, when.....	1	25
LAZY HUSBANDS LAW.		
(See Index, "Husband and Wife;" Ch. 77)		
LAUNDRIES.		
eight hour day for female help prescribed.....	1	92
LEGISLATIVE ASSEMBLY.		
compensation of officers and employees.....	1	189
oath of persons testifying before committee.....	1	5
LEWDNESS.		
places where carried on declared a nuisance.....	2	162
LEWIS AND CLARK MEMORIAL COMMISSION.		
appropriation to assist in erecting a monument.....	3	191
Governor to appoint two members of Commission.....	4	191
Heroic bronze statues of Lewis & Clark to be erected, where necessary expenses of members to be allowed.....	1	191
officers to serve without pay.....	5	192
officers of to be elected.....	5	192
President of Society of Montana Pioneers to appoint three members of commission.....	4	191
State Auditor authorized to draw warrant for five thousand dollars, payable to the treasurer, when.....	6	192
to be created, purpose of erecting bronze statues, when.....	4	191
treasurer shall be custodian of funds.....	5	192
LIBRARIES.		
(See Index, "County Free Libraries;" Ch. 137)		
LICENSES.		
(See Index, "Attorney & Counsellors;" Ch. 90)		
(See Index, "Corporation License Tax;" Ch. 73)		
(See Index, "Motor Vehicles;" Ch. 75)		
(See Index, "Private Car Companies;" Ch. 82)		
(See Index, "Express Companies;" Ch. 87)		
(See Index, "Fish and Game;" Ch. 173)		
(See Index, "Insurance Companies;" Ch. 98)		
cigarettes.....	1	172
express companies, annual license fee of.....	7	145
grain dealers.....	7	62
insurance companies other than fire and life.....	3	170
liquor dealers license to expire, when.....	1	414
oleomargarine, buttermine, etc.....	1	172
to be paid by railway companies.....	1	172
LIENS.		
(See Index, "Threshermen's Lien;" Ch. 162)		
LIMITATIONS.		
actions which must be commenced within one year.....	2	52
actions which must be commenced within two years.....	1	51

INDEX

	Sec.	Page
LIVESTOCK.		
Board of Live Stock Commission		
annual report to be made, when.....	6	56
appointment of	1	55
audit and certification of bills of expense.....	5	56
board created of.....	1	54
board to consist of six members.....	1	54
by-laws, rules and regulations.....	3	55
expenses of, to be paid how.....	2	55
expenses to be paid out of what fund.....	5	56
general supervision over and protection of live stock interests	1	55
live stock commission fund, how created.....	5	56
no compensation for services.....	2	55
oath of office of members.....	1	55
organization of	3	55
powers concerning prosecutions for violations of law.....	4	55
powers of boards of stock commissioners and sheep commis-		
sioners conferred upon.....	7	57
power to appoint secretary and other employees.....	3	55
qualifications of	1	55
recording of brands, powers concerning.....	4	55
secretary; appointment and salary.....	3	55
secretary to be general recorder of marks and brands.....	3	55
term of office of members.....	1	55
vacancies in board to be filled how.....	1	55
brands need not be inspected, when.....	1	99
brands to be inspected when stock removed from county or		
state	1	99
Bulls		
cost of holding and castrating charged to owner and collected		
how	4	84
found running at large may be castrated, when.....	2	83
misdemeanor	3	84
notice to owner of taking up.....	2	83
notice to State recorder of brands required, when.....	2	83
brands need not be inspected, when.....	1	99
brands to be inspected when stock removed from county or		
state	1	99
"breaking quarantine," defined.....	34	399
compensation of specialist and assistants.....	3	379
dairy cattle, tuberculin test to be applied.....	24	396
Diseased Animals.		
duty of owner to care for.....	32	398
may be ordered slaughtered by State Veterinarian.....	5	380
penalty for failure to comply with act.....	32	398
shall not run at large.....	32	398
sale of carcass of animals infected with certain diseases,		
unlawful when	1	42
duty of owner of live stock to give notice of existing or sus-		
pected disease	27	396
duty of specialist and assistants.....	3	379
expenses created by act, to be paid out of what fund.....	30	397
expenses for caring for live stock shipped into state to be		
paid by sanitary board.....	21	393
expense of feeding, dipping, etc., to be paid by the owner of		
stock	21	392
exhibition of parasite not necessary, when.....	7	383
fees and expenses of inspecting and disinfecting railroad		
cars and premises to be charged to whom.....	20	392
Inspectors and Agents		
appointment and compensation.....	2-3	373
duties of	2-2	378
health board, duty to assist Sanitary Board.....	26	396
jackass, unlawful to permit to run at large when	1	206
justice of the peace, duty in appraising animals of the second		
class about to be slaughtered.....	10-2	384
liens, expenses of inspecting, dipping, etc., of live stock.....	21	392
lien may be foreclosed, how.....	21	392
liability in damages for violating act.....	31	397
"Livestock" defined	29	397
misdemeanors	31	397
misdemeanor, for owner to permit live stock to trespass in		
violation of Act.....	2	87
misdemeanor, permitting diseased infectious or exposed ani-		
mals to run at large.....	33	399

INDEX

LIVESTOCK—(Continued)	Sec.	Page
mule, unaltered, unlawful to permit to run at large when.....	1	206
not permitted to run at large in a herd district, when.....	2	103
notice of existing disease to be given by whom.....	27	396
Quarantine		
livestock may be moved from, and confined to what rules and regulations	8	383
may be established, when and by whom.....	5	379
railroad cars, yards, and places.....	19	391
state veterinarian may order suspected diseased or exposed animal quarantined when.....	7	383
Railroads		
certificate of disinfecting and cleaning cars, required.....	19	391
duty to keep cars and stock yards free from infectious and contagious diseases	19	391
liability for fees and expenses in inspecting and disinfecting notice of cleaning and disinfecting cars be given to whom.....	19	392
unlawful to ship from one point to another in the state without disinfecting and cleaning cars.....	19	391
veterinarian to inspect and certify disinfection of cars.....	19	391
reports to be made to by persons selling or distributing tuberculin for animals.....	2	193
ridgeling, unaltered, unlawful to permit to run at large.....	1	206
salaries to be paid out of what fund.....	30	397
sale of carcass of animals infected with certain disease, unlawful, when	1	42
Sanitary Board		
account created	30	397
additional powers to those now conferred by.....	6	380
animals of the second class to be paid for, how.....	10-2	384
appraisement of destroyed buildings and property.....	10-3	385
authority to administer oaths and compel attendance of witnesses	28	397
authority to destroy property infected with what disease.....	9	383
claims for per diem and expenses to be verified, audited and allowed, by whom.....	1	377
compensation of members not drawing other salaries.....	1	377
definitions	29	397
may hold possession of livestock until what expenses are paid	21	392
meetings to be called by whom and limit of number.....	1	377
members shall receive necessary traveling expenses, when.....	1	377
quorum	1	377
remove all appointees, subordinates and servants.....	6	380
supervise and control action of deputies, inspectors and agents	6	380
to maintain laboratory and employ specialties.....	3	379
right of action to recover expenses of treatment, care, burial, etc. of animals.....	14	388
shall be composed of whom.....	1	377
Sheep		
board of veterinarian may take charge of diseased or exposed sheep in quarantine, when.....	15	388
branding of, after dipping	22	393
Buck Herd		
permit to run.....	23	395
removal of animals from herd.....	23	395
report to be made by owner, when.....	23	395
restrictions and regulations concerning.....	23	395
veterinary surgeon must cause to be inspected.....	23	395
Dipping		
after removal from shipping point to range.....	22	393
dipping and quarantined when shipped in temporarily.....	22	393
dipping material mixture and use to be superintended by whom	16	389
duty of deputy veterinarian to dip and quarantine, when.....	17	389
for scab must be under supervision of whom.....	17	389
must be upon receipt of information of infection, by whom	17	389
need not be when shipped in, accompanied by what certificate shall be held in quarantine for what time.....	22	393
	16	389
Driven Into State		
accompanied by certificate need not be dipped, when.....	22	394
permit to be obtained.....	22	394
range must be owned and previously occupied by whom.....	22	394
to be inspected at state line, when.....	22	394
ewes must be quarantined when and where	22	395
governor must issue proclamation forbidding transfer of, from quarantined locality.....	18	390

INDEX

LIVESTOCK—(Continued)

Inspection	Sec.	Page
duty of deputy to inspect, when.....	16	389
inspection and indemnity fund, money to be transferred to.....	5	56
shall be made upon knowledge of dis. asc, by whom.....	16	389
must be quarantined when exposed to any infectious disease.....	16	389
notice of shipment into state may be given by mail, when.....	20	392
Quarantine		
of sheep shipped into the state.....	18	390
provisions concerning quarantine locality.....	18	390
rams brought into the state dipped and put to use, when.....	22	395
removing of sheep from one point or from one county to another.....	19	391
shall be marked with the letter "S" when and how.....	16	389
Shipping Into State		
information to be wired to state veterinarian by railroad.....	19	390
must be dipped and quarantined when trailed in excess of fifty miles.....	22	394
must be quarantined on their range.....	22	394
owner must telegraph veterinary surgeon of shipment of sheep, when.....	20	392
to be held temporarily.....	22	393
to be trailed from unloading point to range under direction of whom.....	22	394
unloaded in transit, not to be deemed clean, when.....	22	394
Slaughter of Animals		
amount of compensation, paid by federal government, to be deducted from state amount.....	12	387
animals killed after protest, to be paid for, how.....	13	387
animals of the first class shall be paid for according to their full assessed value.....	10-1	384
appraisers, fees and expenses of.....	10-2	385
appraisers' fees to be deducted from value of animals.....	10-2	385
autopsy and certificate when animals of the first class slaughtered.....	13	388
certificate of appraisement before justice of the peace to be forwarded to whom.....	10-2	384
claim for animals of the first class and proofs to be filed with whom.....	10-6	385
classification of animals with reference to compensation.....	10	383
county commissioners to order what amount to be paid.....	10-6	385
destruction of carcasses to be superintended by whom.....	10-2	385
disposition of tissue when no incurable disease is discovered.....	13	387
duties of justice of the peace and appraising animals.....	10-2	384
evidence required to recover upon slaughter after protest.....	13	388
fees to be paid by whom.....	10-2	385
first class to be paid as second class, when.....	10-4	385
judgment recovered to be paid out of what fund.....	13	388
justice of the peace, fees of.....	10-2	384
liability of owner for treatment, care, burial, etc.....	14	388
lien for expenses of treatment, care, slaughter and burial.....	14	388
limit to amount to be paid for animals of the first class.....	10-1	384
may be slaughtered after notice, when.....	13	387
notice of condemnation and service thereof.....	13	387
notice of condemnation must require, what.....	13	387
not to be paid for, when.....	11	386
paid for when found fit for food.....	10-8	386
payment for animals of the first class divided between state and county.....	10-5	385
permit of sale of carcass to be issued, when.....	13	388
proceeds of sale of carcass, distribution of.....	10-8	386
protest of owner to be served upon, whom.....	13	387
protests of owners to fix time of killing.....	13	387
right of action after notice or protest.....	13	388
sale of carcass when fit for food.....	10-8	386
sanitary board may order animals slaughtered when.....	9	383
second class, being in the state 120 days may be paid for, when.....	11-5	386
state auditor shall issue warrant, when and in what amount.....	10-6	385
tissue taken at autopsy showing lesion to be delivered to whom.....	13-2	388
value of animals of the second class may be agreed upon, how.....	10-2	384
value to be fixed, how when animal not assessed.....	10-7	385
when value cannot be agreed upon before slaughtering, proceedings.....	10-2	384

INDEX

LIVESTOCK—(Continued)

	Sec.	Page
State Veterinary Surgeon and Deputies		
additional powers of.....	5	379
additional powers to those already conferred.....	6	380
annual report required.....	35	399
authority in general to quarantine premises and diseased animals	18	390
Deputies		
deputies and inspectors, powers to enter premises for inspection	2-3	378
deputies; federal inspectors, shall be appointed as such, when, and powers of.....	4	379
duty to inspect and quarantine building or corral, when.....	17	389
may be appointed by.....	2	378
qualification of	2	378
resident deputies, appointment and qualification.....	2	378
resident deputies, compensation of.....	2	378
resident deputies, powers of and subject to what orders.....	2	378
duty to attend killing and hold autopsy.....	13	387
duty to inspect railroad cars, yards, corrals, etc. and notify companies of what.....	19	391
duty regarding inspection of sheep when shipped into state	20	392
may appoint deputies, when.....	2	378
may appoint inspectors and agents when.....	2-2	378
may dip and quarantine sheep brought into state, when.....	22	395
may order suspected, diseased or exposed animal quarantined, when and for what time.....	7	383
power of and deputies to administer oaths.....	28	397
quarantine, what	6	380
shall be secretary of board.....	1	377
shall make exhibition of parasite before ordering animal dipped	7	383
stock running at large in cities and towns, prohibited.....	1	87
Stud Horses		
duty of persons taking up any stud horse running at large to make inquiry and notify owner.....	4	207
expense of keeping stud taken up while running at large.....	4	207
notice to be given to owner of stud horse taken up, within what time	4	207
taken up when running at large may be castrated when.....	4	207
Tuberculosis Animals		
inspection must conform to what regulation.....	25	396
may be shipped within state to abattoir for post mortem inspection	25	396
may be used for food, when.....	25	396
restrictions concerning	25	396
tuberculin test to be applied to dairy cattle and products.....	24	396
unlawful to permit any ridgeling, unaltered male mule or jackass over 18 months old to run at large.....	1	206
unlawful to permit any stud horse over 18 months old to run at large without first doing, what.....	2	206
unlawful to permit diseased, infections or exposed animals to run at large.....	32-33	398-399
violation of act, penalty.....	31	397

MARKET HOUSES.

(See Index, Counties; "Market Houses;" Ch. 28)

MARKS AND BRANDS.

general recorder, who shall be.....	3	55
inspection of brands in shipping cattle from state or county required	1	99

MEAGHER COUNTY.

apportionment of indebtedness between Meagher and Wheatland county	5	66
boundaries of, changed to conform to Wheatland county.....	17	70
County Clerk		
compensation for comparing and certifying transcribed records	11	68
duty of treasurer to pay school district moneys to Wheatland county	10	68

INDEX

	Sec.	Page
MECHANICS LIENS.		
lien for labor or materials furnished contractor, or sub-contractor on oil or gas lease-hold estates.....	2	49
lien on lease-hold estates, how obtained.....	2	49
lien on oil and gas lease-hold estates for materials or labor manner of obtaining and enforcing against lease-hold estates	1 3	48 49
MERCHANTS.		
(See Index, "Sales of Merchandise;" Ch. 17)		
MEMORIALS AND RESOLUTIONS.		
House Joint Memorials		
memorializing Congress for a biological survey of Flathead, White Fish and Swan Lakes.....		538
memorializing Congress for passage of legislation to authorize Northern Pacific Railway Company to relinquish certain land in favor of bonified settlers and to select other land in lieu thereof.....		542
memorializing Congress to pass an amendment to the Federal Constitution and submit same for ratification, prohibiting the manufacture and sale of intoxicating liquors for use as a beverage.....		539
memorializing Congress to relinquish its jurisdiction over the Missouri and Yellowstone rivers in the state of Montana		537
petitioning Congress to again police the Yellowstone National Park with officers and soldiers of the Regular army		541
House Resolution		
concerning bill pending in United States Senate, providing for the development of water power.....		535
House Joint Resolutions		
concerning Flathead Irrigation Project.....		534
expressing gratitude to the Honorable Martin Barrett for services in preventing the granting of subsidies to railroads		543
memorializing Congress for the passage of an appropriation to dredge Polson Bay on Flathead Lake.....		538
memorializing Congress relative to the loaning of the funds of the Postal Savings Banks directly to the Public School Districts		541
petitioning Congress for legislation enabling Government to lease water power sites.....		536
Senate Joint Memorial		
memorializing Congress to provide for the purchase of the battle fields of Reno in the Valley and on Reno Hill, and that they be marked and connected by a practical road with National Cemetery on Custer Ridge Hill		546
petitioning Congress to enact a law admitting to citizenship a one George Washington Taylor, formerly known as Sing On, born within the Empire of China		544
Senate Joint Resolution		
bespeaking the unanimous support of the President of the United States by the people of Montana and pledging all of its resources in support of the Nation.....		548
extending a vote of thanks to the officers and enlisted men of Montana Second Regiment.....		549
memorializing Congress to investigate the condition of game in Yellowstone National Park and to provide some way of feeding and caring for the elk.....		548
relating to increase in compensation of employes in the Federal mail service.....		547
MONTANA GRAIN INSPECTION LABORATORY.		
annual report to be published.....	3	60
annual report to contain what.....	3	60
appropriation for establishing and maintaining.....	9	63
authority and duty of state grain inspector or director.....	5	62
buyers, classification of.....	7	62
commissioner may refuse to issue license, when.....	5	63
dealer's license, cause for revoking.....	8	63
Director		
authority to incur what expenditures.....	5	61
qualifications of	6	61
who shall be.....	5	61
disposition of fees collected for making tests.....	9	63
disposition of surplus fund.....	9	63
duties concerning tests of grain.....	2	60
established at Montana Agricultural Experiment Station.....	1	60

INDEX

MONTANA GRAIN INSPECTION LABORATORY—(Continued)	Sec.	Page
grade and dockage fixed at terminal market.....	4	61
grade and dockage to be determined and reported to whom.....	4	61
grade and dockage fixed by inspector, binding upon whom.....	4	61
grain dealer's license is revokable by whom and when.....	8	63
grain dealer's license shall give authority to do what.....	8	62
grain samples for testing may be sent by whom.....	4	61
licenses of grain dealers to be issued by whom.....	8	62
license required for all grain buyers.....	7	62
report of expenditures and income to be made when.....	9	63
reports of grain and dockage determination, made to whom.....	3	60
rules and regulations for the conduct of.....	5	62
rules and regulations to be made by whom.....	5	61
samples may be sent by buyer and seller when and how taken.....	4	61
shall determine what in testing wheats.....	2	60
United States Grain Standard recognized as official grain standards	6	62
MONTANA STATE ASSOCIATION OF GRADUATED NURSES.		
appeals to and from.....	1	199
appeals to the District Court to be taken how.....	1	199
jury in District Court shall consist of three nurses and three doctors	1	199
MONTANA STATE FAIR.		
amount which each county may appropriate annually for purpose of exhibiting at State Fair.....	6	224
MONTANA STATE INDUSTRIAL SCHOOL.		
duty of President to recall paroled boy or girl, when.....	1	76
harboring, concealing or protecting escaped persons, penalty paroled inmates to report and present certificate of good behavior	1	76
parole of inmates, when may be made.....	1	76
trustees may parole inmates, when.....	1	76
unconditional pardon may be granted, when.....	1	76
MONOPOLIES.		
(See "Unfair Discrimination;" Ch. 80)		
MOTHER'S PENSION.		
(See also Index, "Parent and Child;" Chs. 77-78)		
allowance to cease when Mother marries or child becomes sixteen years old.....	5	139
amount of allowance to be made per dependent child.....	2	138
conditions required before allowance made.....	3	138
penalty for making fraudulent application for support.....	7	139
MORTGAGES.		
advertising of sale when sold under a power.....	1	413
attorney's fees in case property is sold under a power.....	3	414
notice of sale, posting, publication and personal service.....	1	413
proceedings in fixing attorney's fees and property sold under a power	3	414
right of redemption.....	2	414
MORTGAGE LOANS.		
(See also "Farm Loans;" Ch. 124)		
application and proceeding for a loan on unimproved land.....	2	264
certificate to be issued to applicant pending improvements on land	2	264
MOTOR VEHICLES.		
accessories required of vehicles driven upon public highways	9	112
application blanks to be furnished by registrar.....	2	106
application for registration must be filed when.....	5a	108
application must be accompanied by registration fee and renewed annually	5a	108
car must stop for the receiving or discharge of street car passengers	8d	112
certificate blanks, form of.....	2	106
certificate blanks to be furnished by whom.....	2	106
change of registration to be had when owner sells car.....	5d	109
Chauffeur		
badge should be furnished to him.....	4a	108
badge to be worn how and good for how long.....	10	113
conviction of, for violating act, to be endorsed upon his license card	10e	114

INDEX

MOTOR VEHICLES—(Continued)

	Sec.	Page
"Chauffeur" defined	10e	111
License		
application for, shall contain what and made how.....	1a	113
blank, form of.....	1	107
blank to be furnished by whom.....	2	106
fees	10	113
form of certificate.....	10	113
may re-register in case of loss or mutilated license		
card or badge, when.....	10f	114
shall endorse signature upon margin of license.....	10	113
shall not drive cars on public highways until complying		
with act	10b	113
shall not receive bonuses or discount in purchasing sup-		
plies for owner.....	10d	114
shall not use the badge of another or lend his badge.....	10c	113
shall wear what badge.....	10	113
upon third or subsequent conviction, to be deprived of		
right to operate car for six months.....	11	114
when upon conviction of violating law, may be refused		
future license	11a	114
cities and towns may regulate speed and traffic th rein		
courts shall certify convictions of violation of Act to		
registrar	11b	115
Dealers		
license fee	5b	108
may make application for registration as dealers.....	5b	108
number plates to contain what additional letter.....	3	107
registration shall be serial and six duplicate certificates shall		
be furnished with same.....	5b	108
registration to be renewed annually, when.....	5b	109
Definitions of Terms		
"Local Authority"	12	115
"Motor Truck"	12	116
"Motor Vehicles"	12	115
"Operator"	12	116
"Owner"	12	116
"Public Highways"	12	116
"State"	12	116
disposition of moneys collected from license.....	9	428
disposition of money derived from registration fees.....	6a	110
duty of every owner of, to make application for registration		
expenses to be deducted from the fees by registrar.....	5a	108
fee for transferring registration.....	6a	110
fee for transferring registration.....	5d	109
Highways		
lights to be used at night.....	9	112
manner and speed in driving motor vehicles thereon.....	7	111
rules of the road.....	8a	111
rules of the road in cities and towns.....	8b	112
rule when driver in rear to give signal to pass.....	8c	112
License		
fee for cars between twenty-three and fifty horse power.....	6a	110
fee for cars exceeding fifty horse power.....	6a	110
fee for cars not over twenty-three horse power.....	6a	110
fee for truck not over two ton capacity.....	6a	110
fee for trucks of one ton capacity.....	6a	110
fee for trucks over three ton capacity.....	6a	110
fees paid after August 1st to be, what.....	6b	111
fees to be paid to manufacturer or dealer by purchaser, when		
shall all expire, when.....	5f	110
shall all expire, when.....	10	113
lost, mutilated or destroyed certificate or registration, num-		
ber plate may be replaced, when and how.....	5e	109
manner of driving vehicles upon public highways.....	7	111
manufacturer or dealer must forward license fee when paid		
by purchaser	5f	110
motorcycle number plates, size of plates, lettering and num-		
bering	3	107
non-resident or temporary sojourn in state not required to		
comply with laws.....	5g	110
non-resident chauffeurs not required to take out license when		
comply with laws.....	10b	113
Number Plates		
form of	3	107
no plate must be displayed on vehicle except those issued		
under this act.....	5c	109
size, colors and figures on.....	3	107

INDEX

MOTOR VEHICLES—(Continued)

	Sec.	Page
to be attached where.....	3	107
to be in four series.....	3	107
to be renewed annually.....	3	107
operator or driver in cities and towns must give what signal	8b	112
peace officers; duty to arrest drivers and owners, when.....	11c	115
proceedings upon reversal of conviction of violating act.....	11b	115
record of, to be kept by Secretary of State.....	1	106
records of, shall show what.....	1	106
record to be made by Registrar upon receiving application....	4	108
records to be open to inspection.....	4b	108
Registrar		
may refuse to issue license to whom.....	10	113
secretary of state to be ex-officio.....	1	106
to furnish information desired from records, when.....	4b	108
to furnish monthly statements of fees to whom.....	6a	110
to make record of convictions of violation of act, where.....	11b	115
registration certificate to be furnished applicant, when.....	4	108
registration fee not required of what governments.....	6c	111
registration fee to be paid when.....	6a	110
signal devices required on vehicles.....	9	112
speed of vehicles on public highways.....	7	111
temporary license plate to be furnished purchaser when and by whom.....	5f	110
unlawful to drive motor vehicles on public roads without reg- istration and number plates.....	5c	109
violation of any provision of act, a misdemeanor.....	11	114

MUSSELSHELL COUNTY.

boundaries between Musselshell and Rosebud counties.....	1	178
--	---	-----

NAMES.

the term "Co-operative," "Co-operation," and "Co-operator" to be used by whom only.....	1	406
the term "Farmer" can be used by corporation, when only.....	1	406

NEGOTIABLE INSTRUMENTS.

liability of makers, endorsers, and guarantors when depos- ited with bank for collection.....	2	168
--	---	-----

NORMAL TRAINING COURSE.

(See "Schools;" Ch. 114)

NOTARY PUBLICS.

to be Deputy Registrars, when.....	1	41
------------------------------------	---	----

NUISANCES.

abatement of	6	240
abatement order to be entered when.....	7	163
abatement order to include what.....	7	163
act not to be construed as repealing what laws.....	11	165
action shall not be dismissed except when.....	5	163
action to abate and enjoin.....	3	162
action to abate and perpetually enjoin, may be brought by whom	2	221
action to abate or enjoin to have precedence over what actions	5	163
all intoxicating liquors held for sale and all bar parapher- nalia declared a common nuisance, when.....	2	120
all places where intoxicating liquors are sold, kept for sale, persons permitted to resort for drinking.....	2	220
building in which found may be ordered closed for one year	7	164
building ordered closed may be turned back to owner again	9	164
building to remain in custody of the court, when.....	7	164
complaint in action to abate, to be verified when.....	4	163
contempt and penalty.....	6	163
contempt fine a lien upon building or place.....	10	165
duty of County Attorney to maintain an action to abate or prevent	3	162
enjoined, abated and prevented.....	2	162
evidence of general reputation of place to be admitted for what purpose	5	163
fees and expenses to be allowed officer.....	7	164
fixtures, musical instruments, gambling paraphernalia may be ordered sold, when.....	7	163
new plaintiff may be substituted, when.....	5	163
owner, lessee or agent of building in which nuisance exists to be enjoined.....	3	162

INDEX

NUISANCES—(Continued)

	Sec.	Page
places declared to be common nuisances.....	6	240
places designated as.....	2	162
places where lewdness, assignation, prostitution, gambling is carried on, etc.	2	162
proceeds of sale, disposition of.....	8	164
proceeds of sale, what portion to be paid into common school fund	8	164
temporary injunction to abate, to be issued, when.....	4	163
term "Person" defined.....	1	162
warrant not to be issued against owner of dwelling unless when	3	163

NURSES.

(See "State Board of Health;" Child Welfare Division, Ch. 121)
(See also, "Montana State Graduated Nurses;" Ch. 122)

OIL AND GAS.

damages which may be collected upon refusal to release or record any lease.....	2	25
demand to be made before action to cancel lease.....	3	25
forfeited leases to be released of record, when.....	1	25

Lien

manner of perfecting and enforcing lien against leasehold estates	3	49
material and labor liens of oil and gas leasehold estates.....	1	48
on lease-hold estates, how to be obtained.....	2	49
on lease-hold estates for labor or material furnished con- tractor or sub-contractor.....	2	49

Wells

casing to exclude water from lower parts.....	1	46
manner of plugging prescribed.....	2	46
plugging required before abandonment.....	2	46
violation of provisions concerning incasing and plugging, a misdemeanor	3	47

OLEOMARGARINE.

licenses to be paid by dealers in.....	1	172
--	---	-----

OPTOMETRY.

admission to practice without examination, to be given to whom	1	209
advertisement which is permissible.....	3	211
annual registration required.....	2	210
appeals allowed when certificate is revoked.....	3	211
applicants for examination shall appear and take examination, when	1	209
certificate fee	1	209
certificate of registration may be revoked, grounds for.....	3	211
examination fee	1	209
examination required	1	209
examination not required of whom.....	1	209
failure to annually register.....	2	210
fee for annual renewal of registration.....	2	210
notice and hearing of charges before cancellation of cer- tificate	3	211
qualification of person practicing.....	1	209
registration and registration certificate.....	1	209
registration may be cancelled, when.....	2	210
"Unprofessional Conduct" defined.....	3	211

PARENT AND CHILD.

deserting or abandoning child or children without providing for their support, care, etc., a felony.....	1	119
neglect of dependent children or failure to support, a mis- demeanor	1	117
neglect to support dependent child under sixteen.....	1	117

PERJURY.

by witness testifying before a legislative committee.....	2	5
swearing falsely to affidavit required by act.....	18	359

PLATS.

(See also "Cities and Towns;" Ch. 119)

of small tracts of land for sale.....	5	197
of small tracts or acreage must be surveyed, platted, certi- fied and recorded how.....	5	197

INDEX

POOL AND BILLIARD HALLS.		
penalty for violation of act.....	5	34
penalties for violation of provisions of act.....	2	33
permitting minor under eighteen years of age to play, a mis- demeanor	4	33
to be closed during what hours.....	3	33
unlawful for any game of chance or skill to be played for money or thing of value.....	1	33
PRAIRIE COUNTY.		
boundaries of	1	232
PRISONERS.		
fares for transporting to and from State Prison.....	1	2
PRIVATE CAR COMPANIES.		
annual report shall contain what.....	2	134
annual report to State Board of Equalization required.....	2	134
car companies, what deemed to be.....	1	134
failure to make report to State Board of Equalization.....	4	135
gross receipts, record of by State Board of Equalization.....	7	136
gross receipts, what deemed to be.....	3	135
hearing and proceedings in determining gross annual receipts	1	135
license fee, amount to be collected.....	7	136
license fee, penalty for delinquency in payment.....	8	137
penalty upon failure to make return of gross receipts.....	5	135
penalty upon refusal by any officer or employe to produce testimony for State Board of Equalization.....	6	136
taxation of, in addition to annual license fee.....	7	136
PROSTITUTION.		
places or building in which carried on or occurs, declared a nuisance	2	162
PUBLIC OFFICERS.		
evidence, which may be offered in trial for collecting illegal fees	1	27
jury trial of, when charged with collecting illegal fees.....	1	27
proceedings against, for collecting illegal fees or neglect of duties	1	27
what may be considered, by jury, upon trial for collecting illegal fees	1	27
when judgment must deprive incumbent of office.....	1	27
PUBLIC PRINTING.		
(See "Counties;" Ch. 71)		
PUBLIC RECORDS.		
county clerk may make, in long hand or typewriting in loose-leaf record books, when.....	1	90
validating records heretofore made in typewriting in loose- leaf books	1	231
QUIETING TITLE.		
affidavit for publication of summons, must show what.....	1	1
RAILROADS.		
Bills of Lading.		
delivered by registered mail by railroad, when.....	1	27
penalties for violating provisions of Chapter twenty-four.....	2	27
to be issued by agent of nearest railroad station when not issued at point of shipment.....	1	26
to be mailed to shipper by registered mail, when.....	1	26
box cars to be constructed to prevent leakage.....	1	57
bulletins required to be placed in stations or depot, contain- ing what	1	89
bulletins not required in stations where there is no agent.....	1	89
commercial industrial spurs may be ordered constructed or extended, how far.....	1	227
cost of putting cars into condition by shipper may be col- lected, how	6	58
county attorney to prosecute violations of Chapter 67.....	2	89
demurrage not to be charged when car being put into con- dition	5	58

INDEX

RAILROADS—(Continued)

	Sec.	Page
Conductors		
duty in arresting persons upon train	2	254
police power conferred upon	2	254
duty of Railroad Commission to enforce provisions of act	7	58
duty to notify telephone exchange of delayed trains, when	1	89
license to be paid when acting in the capacity of warehouse	1	172
live stock shipped from state, certificate of inspection required	1	99
misemeanor, violation of the provisions of Chapter 67	2	89
shipment of intoxicating liquors	142	238
shipper may clean and cooper cars at expense of road, when shipper may clean and put car into condition without notice, when	3	58
time of arrival and departure of trains to be posted, where	4	58
when delayed trains shall be deemed to be on time	1	89

REAL ESTATE.

adverse possession, period which must be shown	1	2
duty of lessee to release of record oil, gas and mineral leases, when	1	25
mutual obligations of co-tenants owners	1	225
oil and gas or other mineral leases to be released of record, when	1	25
unlawful to cut up into small tracts and sell without platting and surveying in a manner required by act	5	197

RESERVOIRS.

district court to appoint examiners of, when	2	418
--	---	-----

RESOLUTIONS.

(See "Memorials and Resolutions")

RESTAURANTS.

(See also, "Fish and Game;" Ch. 173)

eight hour day prescribed for female help	1	18
eight hour day prescribed for female help	1	92

RIDGELING.

unlawful for owner to permit to run at large	1	206
--	---	-----

ROSEBUD COUNTY.

boundary line between Rosebud and Dawson county	1	38
boundaries between Musselshell and Rosebud counties	1	178
boundaries between Rosebud and Yellowstone county	1	404
expense of transcribing and certifying records	2	405

RURAL IMPROVEMENT DISTRICT.

apportionment of costs, proceedings in	11	366
assessment; method of, to be adopted by whom	11	365

Bids for Contract

county commissioners may reject any and all	7	364
new bids may be advertised for, when and how	7	364
time fixed for opening	7	364
to be accompanied by certified checks	7	364
to be delivered to clerk and to be publicly opened and examined and declared upon	7	364

Bonds and Warrants

all warrants shall be payable in what	20	371
contract to provide for time and manner of delivering same to contractor	20	372
coupons shall bear facsimile signature of whom	19	371
execution and registration of	19	370
form of	19	369
limit to amount to be delivered to contractor	20	372
may be sold for not less than par to purchase property or pay damages thereon	21	372
payable in installments over what period of years	19	371
redemption of	19	371
shall bear what interest	19	371
shall be called in, when	19	371
shall be drawn against what funds	19	370
shall be in what denomination	19	371
shall draw what interest	19	370
shall not be received in payment for less than face value	20	372

Creation of District

resolution shall be passed by, whom	5	363
shall be postponed six months, when	4	362

INDEX

RURAL IMPROVEMENT DISTRICT—(Continued)	Sec.	Page
contractors bond	9	345
contract may be relet, when and how	8	345
contract shall be let to whom	7	344
Costs		
may be spread over what term of years	13	367
of expense shall be paid by district bonds or warrants	19	369
of intersections of streets and alleys may be paid out of what fund	11	366
preliminary to formation of district to be included in what	16	368
when portion of street used by a railroad	11	366
County Clerk		
duty to post and publish resolutions, orders and notices when not otherwise assigned	27	376
County Commissioners		
authorized to order and create district, when	1	361
authorized to relet contract or complete the work, when	8	365
"Board of County Commissioners" defined	25-9	375
deemed to have acquired jurisdiction, when	5	363
jurisdiction shall not be lost when	26	376
may call for bids for several kinds or types of materials to be used	7	361
may proceed anew and fix time and place of hearing, etc., when	26	376
notice of resolution of intention	2	361
power to correct mistakes and make reassessment	22	372
proceedings upon hearing of protest	7	362
resolution of intention by	2	361
shall fix denomination of warrants and bonds, when	19	371
shall hear and pass upon protests, when	4	362
shall levy and assess a tax upon all the property in the dis- trict for what purpose and how	13	367
shall pass resolution creating districts, when	5	363
shall pass supplementary resolutions levying additional assessment to pay damages, when	15	368
County Surveyor		
duty to keep expense account of costs and certify same to whom	16	368
County Treasurer		
duty concerning special improvement district, bonds and warrants	19	371
duty to collect special improvement district taxes	21	372
Damages		
amount awarded to be added to the cost of construction	17	368
claim of damages waived, when	19	365
Definitions		
"block" defined	25-7	375
"clerk" and "County Clerk" defined	25-10	375
"county surveyor" defined	25-8	375
"county treasurer" defined	25-12	375
"improved" and "improvements" shall include what	25-2	374
"Main street" definition of	25-7	375
"paved" or "repaved" shall include what	25-6	375
"quarter block" defined	25-11	375
"street intersection;" defined	25-13	376
"street" shall include what	25-7	375
"twice" used in reference to publications shall mean, what	25-4	374
"work" shall include what	25-2	374
disposition of checks accompanying bids	7	364
district may be created when, how and by whom	1	361
errors and mistakes not effecting proceedings or other steps extension of proposed district	27	376
incidental expenses shall include what	25-3	374
lots or land owned by Federal Government to be omitted from assessment	12	367
municipality or city shall include what	25-5	375
Notice		
of any irregularity or defect in proceedings or damaged property may be filed when and by whom	10	365
of bids for contract to be published and posted where	7	363
of resolution assessing tax, shall state what and be pub- lished, when and how	14	367
of damages or irregularity in proceedings to contain what	10	365
of resolution of intention to be published, posted and served, how	2	361

INDEX

RURAL IMPROVEMENT DISTRICT—(Continued)	Sec.	Page
of resolution of intention to contain, what.....	2	361
proceedings shall be suspended for six months, when.....	4	362
proceedings when contractor fails to complete contract.....	8	365
proof of publication or posting of notice shall be made how.....	25-4	374
proposed district may be extended, when.....	3	362
protests against work, creation or extension of district, may be filed when and by whom.....	4	362
protests may be overruled when improvements are construc- tion of sanitary sewers.....	4	362
publication of notices, resolutions, orders or other matters to be made, where.....	25-4	374
purposes for which district may be created.....	1	361
resolution assessing tax shall be executed by whom and filed where.....	14	367
resolution of intention before creating district.....	2	361
sufficient description of work of assessment district after resolution of intention.....	6	363
Taxes		
actions to recover taxes paid under protest.....	23	373
assessments to be collected by the County Treasurer.....	21	372
hearing of objections of resolutions fixing levy.....	14	367
lien of, can be extinguished, how.....	17	368
may be paid under protest, when.....	23	373
misnomer, mistake not to invalidate assessments.....	18	369
mistake in description of property or name shall not vitiate lien.....	22	373
omissions and irregularity in assessments may be corrected, how.....	22	372
reassessments and relieves may be made, when.....	22	372
rules and regulations passed by County Commissioners legal- ized.....	22	372
shall be levied by whom and for what purpose.....	13	367
special assessments to constitute a lien against property of district.....	17	368
time of hearing resolution assessing.....	14	367
who shall be deemed owner of property.....	25	373
SALES OF MERCHANDISE.		
license fee for privilege of giving bonuses.....	2	18
license to give bonuses shall contain what.....	3	18
license to give premiums in sales must be obtained.....	1	17
premiums and bonuses forbidden in sales of merchandise.....	1	17
what shall not be given as premiums in sales of merchandise.....	1	17
SAW LOGS.		
maliciously driving any spike, nail or other metallic sub- stance, etc., in, a felony.....	1	88
SCHOOLS.		
(See also Index, "Education, Vocational," Ch. 102; "High Schools," Chs. 105-107; "Text Book Commission," Ch. 94)		
all public schools shall be taught the English language.....	1	208
apportionment of school money not to be received by what district.....	4	132
Board		
annual report to County Superintendent; manner and form and blanks required.....	2	132
duties and powers.....	1	80
branches of learning to be taught in.....	1	208
Clerk of District		
annual fiscal report shall contain what and made when.....	3	131
may be appointed in what counties and salary fixed by whom.....	1	180
publication of annual fiscal report.....	3	132
County Commissioners		
may appoint a deputy clerk when and from whom.....	1	180
County Superintendent		
annual report to be made by.....	1	131
may appoint one clerk in what county.....	1	180
necessary stationery and postage to be furnished by whom.....	2	180
necessary traveling expenses of, shall be paid.....	3	180
salary of last month of year not to be paid when.....	1	131
suitable office quarters to be furnished by whom.....	2	180
county treasurer to make fiscal annual report to County Superintendent.....	6	133
deputy clerk, qualifications and salary.....	1	180

INDEX

SCHOOLS—(Continued)

Districts	Sec.	Page
additional levy to be made in what manner.....	4	158
additional tax levy, question to be submitted.....	3	157
money raised from additional levy may be used for what purpose only	3	157
purposes for which tax levy may be had in excess of ten mills	1	157
shall not be created between the first day of June and the first day of September following.....	1	91
tax levy in excess of ten mills.....	1	157
trustees shall submit question of additional tax levy to voters	1	157
Elections		
ballot in submitting question of additional levy, form of	4	158
ballot for additional levy to be marked how.....	4	158
challenge of electors, proceedings thereunder.....	5	158
notice of election to submit question of additional levy....	2	157
oaths to be administered.....	5	158
result of special levy election to be certified to county commissioners	4	158
Free Text Books		
free text books shall be furnished to all school districts and high schools in the state.....	1	10
shall be sold at cost to whom.....	1	10
permanent school funds may be invested in what securities }	1B	3
school year to begin and end when.....	4	201
		132
Site of School House in Third Class Districts		
cannot be changed again within what time.....	1	45
election to authorize selection, purchase or disposition of.....	1	45
location and size.....	1	45
selection, purchase or exchange of sales.....	1	45
trustees authorized to select, purchase or dispose of, when	1	45
Teachers		
additional reports to be made by, when.....	5	133
annual report to County Superintendent, requirements of	5	133
copy of annual report to be filed with District Clerk.....	5	133
report when school closes before end of school year.....	5	133
warrant for salary not to be drawn for last month, when.....	5	133
time in which school shall be in session in different districts	4	132
Trustees		
duties concerning selection, purchase, exchange or sale of sites for school houses.....	1	45
duty to purchase free text books.....	1	10
elections of, in third class districts having more than one school house	7	133
elections of, to be held when and where.....	7	133
may discontinue district high schools, when and how.....	1	416

SECRETARY OF STATE.

disposition of motor vehicle license collected.....	9	428
duties when process against corporations served on him.....	2	40
fee when process against corporation served on him.....	1	40
monthly reports of motor vehicle license collected to be made to whom	9	428
record of motor vehicles to be kept by.....	1	106
service of process against corporation may be served on when	1	40
shall be registrar of motor vehicles.....	1	106
shall not issue certificate of incorporation using certain names and terms.....	2	407

SHEEP INSPECTION AND INDEMNITY FUND.

moneys have to be transferred to what fund.....	5	56
---	---	----

SILVER BOW COUNTY.

apportionment of indebtedness between Silver Bow and Deer Lodge counties	4	23
basis of apportionment of indebtedness with Deer Lodge county	5	24
boundaries of	1	22
property in new counties segregated from Deer Lodge county warrants to be issued by and apportionment of indebtedness with Deer Lodge county.....	2	23
	7	24

SOUTH MOCCASIN MOUNTAIN GAME PRESERVE.

(See Chapter 109)

INDEX

SPECIAL ROAD DISTRICTS.		Sec.	Page
(See "Highways;" Ch. 145)			
STATE AUDITOR.			
duty to draw warrants in payment of expenses of Live Stock Commission	5	56	
duty to draw warrants on Attorney's License Fund, when.....	14	153	
shall not draw salary warrant for certain judges until required affidavit is filed.....	1	141	
STATE BOARD OF EDUCATION.			
appropriation for making survey of feeble minded, deaf, dumb and blind children in the state.....	2	226	
authorized to adopt rules and regulations governing vocational courses and instructors.....	3	173	
authorized to appoint an expert to determine the condition of feeble minded, deaf, dumb, and blind children in the state	1	226	
authority to co-operate with schools concerning vocational training, etc.	2	173	
authorized to provide for refunding portion of fare of students attending University	1	200	
shall apportion money appropriated by Federal Government, etc., among what schools.....	4	173	
STATE BOARD OF EQUALIZATION.			
duty regarding hail insurance tax.....	2	420	
duty to ascertain gross receipts of private car company.....	3	135	
Express Companies			
duty of board to make entry of gross receipts of.....	7	145	
power to obtain evidence concerning.....	6	145	
to ascertain gross receipts of, when.....	3	141	
powers concerning returns of corporations license tax.....	8	128	
Private Car Companies			
power to obtain testimony concerning.....	6	136	
proceedings to determine gross receipts of.....	4	135	
record of gross receipts found to be made when.....	7	136	
proceedings before, in ascertaining gross receipts of express companies	4	144	
reports of tax and license commission to be made to.....	4	101	
STATE BOARD OF EXAMINERS.			
authorized to issue terminal grain elevator bonds, when and in what amount	1	278	
power to issue refunding capital building bonds.....	1	10	
shall cause copies of historical manuscripts to be printed....	2	59	
shall cause warrants to be issued for interest on Capitol Building bonds, when.....	7	13	
STATE BOARD OF HEALTH.			
certified list of adulterated and misbranded food, etc., to be furnished county clerks	1	174	
Child Welfare Division			
act not to be construed as interfering with what.....	8	199	
created to be under the supervision of the State Board of Health	1	198	
duties and object of the Division.....	2	198	
nurses, duly registered may be employed by school boards....	3	198	
nurses may be employed by County Commissioners.....	4	198	
quarantine regulations relating to diseases not infringed upon report blanks to be distributed to nurses by whom.....	8	199	
rules and regulations governing school and public health nurses	6	199	
school boards may unite and employ school nurses, when.....	4	198	
school nurses, salary of.....	3	198	
secretary of, to employ necessary officers to carry out act.....	3	198	
vested with supervision of school, county and public nurses, when	7	199	
fees collected for collecting and analyzing water to be paid into what fund.....	5	198	
moneys which may be used for water sewerage laboratory....	2	208	
	2	208	

INDEX

STATE BOARD OF HEALTH—(Continued)		Sec.	Page
notice to be given to dealers in adulterated and misbranded foods, beverages, drugs, etc.....	1	174	
penalty for violating provisions of Chapter 126.....	3	208	
shall make and publish rules and regulations for collecting samples and analysis of water.....	1	208	
state auditor to draw warrants for th payment of what claims	2	208	
STATE BOARD OF LAND COMMISSIONERS.			
authority to sell land for school sites.....	1	45	
certificate to be issued by, to applicant for loan pending improvements on land.....	2	264	
duties and powers concerning survey, plat, and sale of lands adjacent to incorporated cities and towns.....	1	408	
duty regarding Capitol Building bonds.....	3	12	
security in which perman-nt common school and other state educational, charitable and penal institutions must be invested in	1	201	
shall make estimates of amount of permanent school and other funds uninvested, when.....	2	201	
shall provide rules and regulations concerning farm loans pending improvements of land.....	1	264	
statements of investment to be prepared and filed in office of Commissioner of Agriculture and Publicity, when.....	2	201	
STATE BOARD OF PRISON COMMISSIONERS.			
authorized to adopt rules and regulations concerning convicts laboring upon public roads and works.....	1	79	
STATE BOARD OF RAILROAD COMMISSIONERS.			
may compel railroads to extend or construct commercial spurs, to what distance.....	1	227	
STATE CAPITOL BUILDING.			
(See also, Index, "Capitol Building Bonds;" Ch. 13)			
Custodian			
annual report to be made to the Governor.....	4	50	
duties of head janitor devolve upon.....	7	51	
duties regarding care of building.....	2	50	
duties regarding the care, cleansing, repair, etc., of all property in State Capitol building.....	4	50	
duty to keep accounts and inventory of all property and equipment	4	50	
official bond	6	51	
power to nominate and remove and have supervision over all engineer, janitors and other employees.....	3	50	
salary of	1	49	
term of office.....	5	51	
who shall be	1	49	
STATE COAL MINE INSPECTOR.			
office of, placed under general supervision of Industrial Accident Board	1	155	
STATE ENGINEER.			
duty to examine dams and dykes and report to County Attorney, when	1	417	
STATE FIRE MARSHAL.			
shall inspect magazines and places where explosives are kept	9	217	
shall make at least one annual inspection of license, factory or magazines keeping or storing explosives.....	11	218	
STATE GRAIN INSPECTOR.			
fees for making tests to be determined by.....	5	62	
shall be director of Montana Grain Inspection Laboratory	5	61	
shall determine method of taking and pr paring samples for shipment	5	62	
shall prescribe rules and regulations of Montana Grain Inspection Laboratory	5	62	

INDEX

	Sec.	Page
STATE HISTORIAN.		
annual salary	1	59
appointed for what time.....	1	59
appropriation for	4	60
authorized to employ a secretary.....	3	59
copies to be printed by State Board of Examiners.....	2	59
duties of	1	59
printed copies of manuscript to be offered for sale.....	2	59
proceeds of sale of book to be disposed of, how.....	2	59
secretary, duties and salary of.....	3	59
who appointed as	1	59
STATE INDUSTRIAL SCHOOL.		
assisting inmates to escape penalty.....	1	37
STATE INSTITUTIONS.		
investment of permanent funds.....	1b	3
STATE LANDS.		
(See also Index, "State Land Office")		
Assistant Forester		
compensation and expenses.....	2	87
may pay what salaries to timber cruisers and estimators....	2	87
official bond of	2	87
to be paid for actual services only.....	2	87
Forester		
authorized to appoint Assistant Forester.....	2	87
Lands in or Adjacent to Cities and Towns		
certificates of purchase of platted lots or tracts may contain what	1	409
lands adjacent to cities and towns to be surveyed and platted, when	1	408
lots and blocks within or adjacent to incorporated places to be sold, when and how.....	1	409
survey and platting of lands adjacent to cities and towns optional, when	1	409
surveys and plats of land in or adjacent to incorporated cities or towns.....	1	408
STATE LAND OFFICE.		
duties of clerk.....	1	9
expenses of land office which shall be paid out of land office expense fund	1	171
finances, fees and forfeitures collected for violating land law, to be disposed of how.....	1	171
Land Agent		
authority to appoint person to assist in selecting, appraising and re-appraising state land.....	1	86
compensation of assistant appraiser.....	1	86
moneys not to be paid out of certain funds without legislative appropriation	1	171
no money shall be expended for benefit of any lands, other than what	1	171
Register		
power to appoint clerks.....	1	9
power to employ official force.....	1	9
State Board of Examiners shall designate fund out of which expenses shall be paid.....	1	170
vouchers for expense account to be certified by Board of Examiners	1	171
when expenses of, may be paid out of Land Grant Income fund	1	171
STATE LAW LIBRARY.		
Library Fund		
duty of State Auditor to draw warrants upon, when.....	17	154
moneys of, may be used for what purpose.....	17	154
moneys to be transferred to, from Attorney's License Tax Fund	17	154
verified voucher for expenditures.....	17	154
STATE FUND.		
moneys of, to be invested in what securities.....	1	201
STATE OFFICERS.		
salaries to be paid when and out of what fund.....	1	177

INDEX

	Sec.	Page
STATE PERMANENT FUNDS.		
(See Index, "Farm Loans;" Ch. 123)		
STATE PRISON.		
Convicts		
additional good time may be allowed to those employed on public roads or works.....	1	79
limitation to additional good time which may be allowed those working on public road and works.....	1	79
State Board of Prison Commissioners may adopt rules regulating allowance of extra good time.....	1	79
what shall work a forfeiture of all extra good time allowed	1	79
STATE RAILROAD COMMISSION.		
duty to enforce provisions of Chapter 52.....	7	58
STATE SEALER OF WEIGHTS AND MEASURES.		
authority, power and duties.....	1	20
bills and accounts of expense incurred by, to be presented to and be allowed by whom.....	2	20
correction of standards of counties, cities and towns.....	1	20
County Auditors to be inspectors in what counties.....	1	20
County Clerks to be inspectors in what counties.....	1	20
Deputies		
authority and duties of.....	1	20
Secretary of State shall be ex-officio.....	2	20
standards to be kept where and how.....	1	20
STATE STOCK INSPECTOR.		
shall inspect brands of cattle being shipped from county or state	1	99
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.		
authorized to apportion moneys appropriated for Normal Training Courses in High Schools.....	2	505
authorized to issue teacher's second grade certificates to graduates of Normal Training Course in High Schools	5	506
duty in designating high schools receiving appropriation for normal training course	1	505
shall outline work for normal training in County High Schools	2	188
shall prepare rules and regulations for Normal Training work in County High Schools.....	5	189
STATE TREASURER.		
annual license fee of private car companies to be placed in what fund	7	136
authorized to receive Federal Warrants for Stat. Highway money	10	429
authorized to transfer what moneys to grain and warehouse fund	42	271
custodian of Capitol building, interest and sinking fund.....	5	13
designated as the Custodian of Vocational Education.....	5	171
duties concerning apportionment of money for Normal Training in High Schools.....	3	505
duties concerning State Hail Insurance Fund.....	4	421
duty to add penalty to express companies license fee, when duty to collect license fee of express companies.....	8	145
duty upon receiving duplicate receipt or inheritance tax....	7	145
private car company, annual license fee to be collected from	1	43
	7	136
STATE TAX LEVY.		
levy for the year 1917.....	1	181
levy for the year 1917, interest and sinking fund, tuberculosis sanatorium bonds	5	181
levy for interest and sinking fund for the year 1917, redemption of Insane Asylum bonds.....	3	181
levy for year 1918.....	2	181
levy for the year 1918 for interest and sinking fund, tuberculosis sanatorium bonds	6	182
levy for the year of 1918 for interest and sinking fund, Insane Asylum Bond	4	181
STATUTE OF LIMITATIONS.		
(See Chapter 47)		
actions which shall be commenced within two years.....	1	51
actions which must be commenced within one year.....	1	52

INDEX

STOCK INSPECTION AND DETECTIVE FUND.		
moneys in, to be transferred to what fund.....	Sec. 5	Page 56
STREET RAILROADS.		
portion of cost to be paid by, in construction maintaining in corporate limits	2	84
STUD HORSE.		
may be taken up and castrated, when.....	4	207
unlawful to permit to run at large when.....	2	206
SUMMONS.		
affavit for publication in actions to quiet title.....	1	1
one publication per week during period of publication sufficient	1	175
SUPREME COURT.		
may make rules and regulations for trial of charges against attorneys	11	153
SWEET, GRASS COUNTY.		
apportionment of indebtedness with Wheatland county.....	6	66
boundaries of, changed to conform to those of Wheatland county	17	70
compensation of County Clerk for comparing and certifying transcribed records to Wheatland county.....	11	68
duty of Treasurer to pay school district fund to Wheatland county	10	68
TAXATION.		
(See also Index, "Attorneys & Counsellors;" Ch. 90)		
(See also Index, "Corporation License Tax;" Ch. 79)		
(See also Index, "Express Companies;" Ch. 87)		
(See also Index, "Motor Vehicles;" Ch. 75)		
(See also Index, "Private Car Companies;" Ch. 82)		
annual highway tax	1	440
certificate to be issued to purchaser of certificate of sale to county	1	281
county may sell and assign its certificate of purchase, when and to whom	1	281
Deed		
contents of notice of application for deed.....	1	36
notice for application for, to be given when.....	1	36
notice of application for deed to be served how.....	1	36
notice of application for when property is unoccupied or is a mining claim	1	36
property sold may be redeemed before what time.....	1	36
high schools special levy.....	1	176
limit of amount to be collected by cities and towns.....	1	29
rights of holder of tax certificate assigned by county.....	2	282
road head tax	1	440
state levy for 1917 and 1918 (Ch. 111).....		181
Tax & License Commission		
appropriation for traveling and office expenses.....	1	100
commissions created, composed of whom	1	100
compensation of commissioners	2	100
compensation of members to be paid out of what fund.....	1	100
contempt proceedings	3	100
co-operation with the State Board of Equalization.....	5	101
District Court to compel attendance of witnesses when.....	3	101
expenses to be audited and paid when and how.....	8	102
first report to State Board of Equalization to be made when	4	101
incriminating testimony may be required but not used where	3	101
inquiry and investigation to be made by.....	5	101
legislation to be recommended by.....	6	102
may invoke aid of district court when.....	3	100
meetings and hearings may be held where.....	2	100
power to compel attendance of witnesses and procure testimony	2	100
power to employ assistants, experts and stenographers.....	2	100
power to issue subpoenas to witnesses and produce books and other documents	3	100
recommendations to the legislature shall be in what form....	6	102
reports to be made to State Board of Equalization.....	4	101
reports of, to be transmitted to Legislature of 1919, by whom	7	102
scope of inquiry	5	101
shall assist State Board of Equalization in what	5	101
term of commission to expire when.....	1	101
traveling and necessary expenses	2	100
vacancies in Commission to be filled how	1	100

INDEX

	Sec.	Page
TELEGRAPH COMPANIES.		
(See Index, "Electrical Construction;" Ch. 171)		
eight hour day prescribed for female help.....	1	92
TERMINAL GRAIN ELEVATOR.		
ballots to be prepared for general election November, 1918....	8	280
Bonds		
conditions to be embodied in.....	3	279
denomination, term and rate of interest.....	2	278
form, manner of execution, and coupons attached.....	6	280
notice of sale and method of giving same.....	3	279
proceeds of sale of, to be used how.....	9	280
shall be disposed of, how, by State Board of Examiners.....	7	280
shall not be sold for less than face value.....	7	280
charge for storage.....	4	279
County Assessors, duty regarding lands subject to tax for terminal elevator.....	5	280
County Assessors shall designate lands subject to tax upon the assessment roll.....	5	280
located at Great Falls, Montana.....	1	278
money derived from storage charges to be disposed of, how state bond authorized to be issued for purchasing or build- ing, when.....	4	279
State Treasurer shall place all mon-ys collected under Act in terminal elevator fund.....	1	278
tax levy to be made upon agricultural lands when and in what amount.....	4	279
TEXT BOOK COMMISSION.		
actions to enforce condition of bonds.....	2	161
advertising for new counties, when.....	1	160
advertising for new proposals after rejecting others.....	2	160
bonds may be declared forfeited by the Governor.....	2	161
bond to be given by publisher and contractor.....	2	161
books may be contracted for in branches enumerated.....	1	159
contract for supplying books now in existence may be extended for not more than four years.....	1	159
contract for text books shall provide that they may be extended how.....	1	159
damages for breach of contract shall be deemed fixed and liquidated by what.....	2	161
empowered to adopt other supplementary books.....	1	160
exchange prices and exchangeable books.....	1	160
may reject all proposals for contracts, when.....	2	161
mechanical excellency of books shall be maintained.....	1	160
notice of proposal to supply basal and supplementary text books.....	1	159
power of commission to contract for text books.....	2	161
price of books shall not exceed what.....	2	161
publisher shall prepare special maps and special supplements on what subjects.....	1	160
pupils may exchange lower grade books for higher when.....	1	160
sealed proposals shall be endorsed and addressed how.....	1	160
sealed proposals shall contain what agreement and state prices.....	1	160
special map of Montana to be prepared by publisher.....	1	160
Superintendent of Public Instruction to publish notice for bids to supply books.....	1	159
supplement books may be used to what extent.....	1	160
THRESHERMEN'S LIEN.		
account to be filed with County Clerk.....	1	407
notice of lien to be served when grain is handled from thresher to elevator.....	1	407
TRUSTS AND TRUSTEES.		
duties concerning the payment of inheritance tax.....	1	43
duty to place money held for paying taxes, in separate account.....	1	43
TUBERCULIN.		
any person desiring to sell shall secure permission from live stock sanitary board.....	1	192
authorized persons selling, to report to livestock sanitary board when and what.....	2	193
violation of the provisions of act a misdemeanor.....	3	193

INDEX

	Sec.	Page
UNFAIR DISCRIMINATION.		
annulment of charter of corporations to be enforced when.....	2	130
court shall enter what judgment when corporation found guilty	2	130
creating monopoly or destroying regularly established business	1	129
definition of	1	129
duty of Attorney General upon complaint being filed against the corporation	2	130
effect of act upon other laws.....	4	130
penalty upon conviction.....	3	130
purchasing commodities or merchandise at higher rates in one community than another.....	1	129
things constituting	1	129
 UNIVERSITY OF MONTANA.		
students necessary fare may be refunded in part by whom.....	1	200
 UNITED STATES SENATOR.		
elections of, to be held when.....	1	226
nominations for candidates for to be made how.....	1	226
 VOCATIONAL EDUCATION.		
(See Index, "Education;" Ch. 102)		
 WALL PAPER.		
ceiling and walls of dwelling, tenement, etc., houses cleaned before new paper put on.....	1	405
new paper not to be put upon walls or ceiling in case of contagious or infectious disease, when.....	2	406
misdemeanor, violation of Act.....	4	406
 WAREHOUSES.		
(See also Index, "Grain Dealers and Warehouseman;" Ch. 147)		
act shall be construed, how.....	57	350
adverse claim not an excuse for failure to deliver, except when	19	342
court may order delivery of goods when receipt is lost or destroyed	14	341
creditors remedy when debtor owns negotiable receipts.....	26	343
definitions	58	350
delivery may be made to whom.....	9	339
delivery need not be made in case of adverse claim, until when	18	341
delivery when receipt is lost or destroyed under order of Court not to relieve warehousemen, when.....	14	341
disposition of proceeds of sale of perishable, etc. goods.....	34	345
"duplicate" plainly placed upon the receipt, a warranty of what	15	341
duty of warehousemen to deliver goods before sale, when.....	33	345
fraudulently issuing a receipt containing false statement.....	51	349
fungible goods may be mingled with goods of same kind, when	23	342
goods in storage cannot be taken by legal process when negotiable receipt is outstanding.....	25	343
goods shall be kept separate to preserve identification.....	22	342
inflammable, perishable explosive, etc. goods may be sold, when and how.....	34	345
laws applicable in cases where Act does not describe rule.....	56	350
 Liens		
lien of warehousemen	27	343
enforcement of	28	343
for charges not stated in the receipt.....	30	344
lost how	29	343
may be satisfied how.....	33	344
remedy for enforcing, not exclusive.....	35	346
 Misdemeanor		
delivering goods without taking up outstanding negotiable receipts	54	350
knowingly issuing a negotiable warehouseman's receipt for goods owned in whole or part by warehouseman.....	53	350
receiving a negotiable receipt on deposit of goods and not having clear title thereto.....	55	350

INDEX

WAREHOUSES—(Continued)

	Sec.	Page
negotiable receipt	5	338
non-negotiable receipt	4	338
notice to be given by warehouseman when his claim has become due	33	344
notice to remove perishable, inflammable explosive, etc. goods no title or right of possession to excuse non-delivery, except when	34	345
option of owner to treat non-negotiable receipt, how	16	341
ownership of mingled fungible goods	7	338
	23	342

Receipts

Act does not apply to those issued prior to Act taking effect alterations in, which shall not excuse warehouses	59	351
holder of sellers lien cannot compel warehouseman to deliver goods without surrendering receipt	13	340
how negotiable receipts may be negotiated	49	349
indorser not liable for what	37	346
issuing a duplicate negotiable receipt without plainly marking same "duplicate"	45	348
issuing without having received, or having goods under control a felony	52	349
knowingly issuing a negotiable receipt when goods owned in whole or part by warehouseman	50	349
lost or destroyed, delivery may be ordered, when	53	350
material and fraudulent alterations in, shall effect warehousemen, how	14	341
must be surrendered before goods are delivered	13	340
must embody what	25	343
negotiable may be indorsed, how	2	337
negotiable may be negotiated how	37	346
negotiable may be negotiated by whom	38	346
negotiable not to be defeated by sellers lien or right of stoppage and transit	40	347
negotiation of receipt pledge after first negotiation to purchaser in good faith	49	349
non-negotiable may be negotiated by delivery	48	348
non-negotiable shall be marked, how	39	347
pledge collecting debt upon demand does not warrant what provisions which shall not be inserted in negotiable receipts rights and privileges of person to whom negotiable receipts have been negotiated	7	338
rights of innocent purchaser of altered receipt	46	348
right of transferee of non-negotiable before notice to warehouseman may be defeated, how	5	338
rights of transferee when receipt has not been negotiated	41	347
shall not contain what conditions	13	340
transferee may compel endorsement on negotiable receipt, when	42	347
validity of negotiation of, is not impaired by what facts	42	347
warrant of transfer	3	333
word "duplicate" shall be placed upon the face of a receipt when	43	348
	47	348
	44	348
	6	238

Sales

advertisement of	33	345
disposition of proceeds	33	345
of goods to satisfy warehousemen's lien to be had, when, where and in what manner	33	345
who may satisfy claim and expenses before sale is made	33	345

Warehouseman

bound to deliver goods upon demand, when	8	338
has no title or right to possession of goods excusing delivery, excepting what	16	341
has right to all charges and advances regardless of lien	32	344
justified in delivering subject to what provisions	9	339

Liability of

caused by failure to place "duplicate" upon receipt	6	338
caused by omission in receipt of any term required	2	337
for alterations made without fraudulent intent	13	340
for care and redelivery of mingled goods	24	342
for conversion, when	10	339
for failure to note partial delivery on outstanding receipts for want of reasonable care	12	340
to holder of a receipt caused by non-existence or failure of goods	21	242
to purchaser of uncanceled negotiable receipts	20	342
upon failure to properly designate non-negotiable receipt when alterations in receipts are authorized	11	240
when goods are described by marks, labels or packages	7	338
	13	340
	20	342

INDEX

WAREHOUSEMAN—(Continued)

	Sec.	Page
may refuse to deliver until lien is satisfied.....	31	344
may require all claimants to interplead, when.....	17	341
not liable for damages which are unavoidable.....	21	342
not liable for delivery of perishable or hazardous goods after lawful sale thereof.....	36	346
not to be compelled to deliver goods until receipt is sur- rendered	25	343
receipts may be issued by.....	1	337
refusal to deliver, places burdened upon warehousemen, when	8	339
rights in case of adverse claims.....	18	341
shall have lien on goods for what.....	27	343
to have no lien except for storage, when.....	30	344

WATER AND WATER RIGHTS.

polluting matters shall not be emptied into any stream, lake or pond used as a domestic water supply.....	1	28
Water Users Associations		
assessments, to be equitable and based upon what.....	2	237
power to levy new assessments upon shareholders, when.....	1	237

WEIGHTS AND MEASURES.

(See "State Sealer of Weights and Measures;" Ch. 19)

WHEATLAND COUNTY.

actions pending in district courts of old counties which may be transferred upon motion.....	12	68
apportionment of indebtedness of Meagher county between Meagher and Wheatland county.....	5	66
apportionment of indebtedness of Sweet Grass county, how made	6	66
attached to the 14th Judicial District.....	2	65
bonds which may be issued to pay indebtedness to other counties	9	68
boundaries of	1	64
constables, appointment of.....	15	70
County Commissioners		
authority to contract for transcribing records.....	11	68
authorized to divide counties into municipal townships, etc.....	15	70
shall meet and organize at Harlowton, when.....	4	66
warrants to be drawn by for amounts due Meagher and Sweet Grass counties.....	8	67
county officers appointed.....	13	69
county officers bonds, powers, duties and oath of.....	13	69
Court House shall not be built when.....	16	70
creation of	1	64
delinquent taxes not to be considered in adjustment with Meagher and Sweet Grass county.....	7	67
division of surplus fund with Meagher and Sweet Grass counties	7	67
duties of treasurers of Meagher and Sweet Grass county concerning delinquent and uncollected taxes.....	7	67
Elections		
ballot to be used in selecting county seat.....	3	65
error in spelling name of town voted for not to be considered what place to be declared chosen as county seat.....	3	65
Harlowton, temporary county seat.....	3	65
justice of the peace, appointment of.....	15	70
laws applicable to.....	3	65
officers, compensation of	14	69
officers names, their powers, duties, bonds and oaths.....	13	69
officers who shall continue in office.....	15	70
permanent county seat to be fixed when and how.....	3	65
road supervisors, appointment of.....	15	70
School Districts		
moneys to be paid on account of by Meagher and Sweet Grass counties	10	68
transcribe records admitted in evidence.....	11	68

WIBAUX COUNTY.

certain territory declared to be within.....	2	235
--	---	-----

WINE ROOM.

place or building where conducted or carried on a nuisance	2	162
--	---	-----

INDEX

	Sec.	Page
WOMEN.		
hours of labor for.....	1	18
seats to be provided for in certain employments.....	2	19
YELLOWSTONE COUNTY.		
boundaries between Rosebud and Yellowstone counties.....	1	404
expense of transcribing records.....	2	405
YELLOWSTONE NATIONAL PARK.		
civil and criminal processes of state may be served in what portion of	1	182
exclusive jurisdiction ceded to the United States, saving what jurisdiction of United States in Montana portion of, to vest when	1	182
taxation of persons and property in portion within the state reserved	1	182

INDEX

CODE INDEX

CODES OF 1907

Sec.	Page.	Sec.	Page.
47 Amended	47	1901 Repealed	399
76 Amended	189	1902 Repealed	399
157 Repealed	51	1903 Repealed	399
435 Amended	177	1904 Amended	79
459 Amended	172	2056 Amended	35
637 Amended	226	2109 Amended	415
1564 Amended	28	2139 Amended	417
1611 Amended	209	2140 Amended	418
1613 Amended	210	2616 Amended	15
1618 Amended	210	2651 Amended	36
1739 Amended	34	2763 Amended	172
1782 Repealed	57	2773 Repealed	129
1783 Repealed	57	2774 Repealed	129
1784 Repealed	57	2777 Repealed	129
1785 Repealed	57	2897 Repealed	93
1786 Repealed	57	2927 Amended	222
1787 Repealed	57	2928 Amended	223
1788 Repealed	57	2929 Amended	223
1789 Repealed	57	2930 Amended	223
1808 Amended	99	2931 Amended	224
1854 Repealed	57	2932 Amended	224
1855 Repealed	57	2973 Amended	116
1856 Repealed	57	3032 Amended	90
1858 Repealed	57	3169 Amended	146
1859 Repealed	57	3178 Amended	4
1860 Repealed	57	3246 Amended	14
1861 Repealed	57	3342 Amended	29
1862 Repealed	399	3465 Amended	194
1863 Repealed	399	3466 Amended	194
1864 Repealed	399	3471 Amended	195
1865 Repealed	399	3472 Amended	196
1866 Repealed	399	3478 Amended	197
1867 Repealed	399	3894 Amended	148
1868 Repealed	399	4044 Construed	169
1869 Repealed	399	4050 Construed	169
1870 Repealed	399	4062 Construed	170
1871 Repealed	399	4076 Amended	197
1872 Repealed	399	4345 Repealed	90
1873 Repealed	399	4346 Repealed	90
1874 Repealed	399	4347 Repealed	90
1875 Repealed	399	4348 Repealed	90
1876 Repealed	399	4535 Amended	225
1877 Repealed	399	6339 Amended	21
1878 Repealed	399	6442A Added	2
1879 Repealed	399	6449 Amended	51
1880 Repealed	399	6450 Amended	52
1884 Repealed	399	6870e Amended	1
1885 Repealed	399	6870d Amended	1
1886 Repealed	399	7738 Amended	43
1887 Repealed	399	8345 Repealed	119
1888 Repealed	399	8346 Amended	119
1890 Repealed	399	8416 Amended	142
1891 Repealed	399	8492 Amended	42
1892 Repealed	399	8810 Repealed	495
1893 Repealed	399	8836 Repealed	206
1894 Repealed	399	9006 Amended	27
1895 Repealed	399	9029 Amended	4
1896 Repealed	399	9289 Amended	6
1897 Repealed	399	9810 Amended	76
1899 Repealed	399	9812 Amended	37
1900 Repealed	399		

INDEX

STATUTES

LAWS OF 1909

Chap. Sec.	Page.	Chap. Sec.	Page.
105 1 Repealed	90	146 11 Amended	330
105 2 Repealed	90	146 30 Amended	330
105 3 Repealed	90	146 35 Amended	331
105 4 Repealed	90	146 47 Amended	335
105 5 Repealed	90	146 48 Amended	336
105 6 Repealed	90	147 24 Amended	86
146 1 Amended	323	147 25 Amended	87
146 4 Amended	324	147 104 Amended	171

STATUTES

LAWS OF 1911

Chap. Sec.	Page.	Chap. Sec.	Page.
30 1 Repealed	225	140 23a Amended	410
30 2 Repealed	225	140 23b Amended	411
48 1 Construed	169	146 All Repealed	399
61 1 Repealed	129	146 11 Amended	330
66 2 Amended	28	146 30 Amended	330
118 3 Amended	9	146 35 Amended	331
114 1 Construed	169		

STATUTES

LAWS OF 1913

Chap. Sec.	Page.	Chap. Sec.	Page.
39 1 Construed	170	76 512 sb. 4 Amended.....	131
50 11 Amended	199	76 607 Amended	131
68 All Repealed	399	76 803 sb. 1 Amended.....	133
71 All Repealed	116	76 1600 Amended	159
73 9 Repealed	54	76 1803 Amended	159
73 All Repealed	116	76 1805 Amended	161
76 601 Amended	208	76 1810 sb. 5 Amended.....	133
76 302 sb. 17 Amended.....	131	76 1811 Amended	10
76 302 sb. 19 Amended.....	180	78 All Repealed	429
76 303 Amended	180	85 2 Amended	20
76 403 Amended	91	83 3 Amended	20
76 502 sb. 1 Amended.....	131	90 All Repealed	399
76 508 Amended	80	123 All Repealed	399
76 508 sb. 15 Amended.....	131	124 All Repealed	225

INDEX

STATUTES

LAWS OF 1914

Passed November, 1914, by Vote of the People.
Investment of Permanent School and Other Funds.

Sec.	Sec. Page.
1b Amended	1 3

LAWS OF 1915

Chap. Sec.	Page.	Chap. Sec.	Page.
1 79 Amended	189	93 20 Repealed	273
9 All Repealed	399	93 21 Repealed	273
14 1 Amended	16	93 22 Repealed	273
14 2 Amended	16	93 23 Re-enacted	265
14 3 Amended	16	93 24 Amended	265
22 Repealed	41	93 25 Amended	265
45 1 Amended	229	93 26 Amended	265
45 3 Amended	229	93 27 Amended	266
45 4 Amended	230	93 28 Amended	267
45 5 Amended	230	93 29 Re-Enacted	267
45 12 Amended	231	93 30 Amended	267
65 All Repealed	116	93 31 Amended	268
71 All Repealed	273	93 32 Re-Enacted	268
89 9 Amended	274	93 33 Amended	269
89 11 Amended	274	93 34 Amended	269
89 50 Amended	227	93 35 Re-Enacted	269
89 51 Amended	274	93 36 Re-Enacted	269
89 16A Added	275	93 37 Re-Enacted	270
89 16B Added	275	93 38 Re-Enacted	270
89 16C Added	275	93 39 Amended	270
89 16D Added	275	93 40 Amended	271
89 16E Added	276	93 41 Amended	271
89 16F Added	277	93 42 Amended	271
93 1 Repealed	273	93 43 Re-Enacted	272
93 2 Repealed	273	93 44 Re-Enacted	272
93 3 Repealed	273	93 45 Amended	272
93 4 Repealed	273	93 46 Repealed	273
93 5 Repealed	273	96 55a Amended	156
93 6 Repealed	273	96 55b Amended	156
93 7 Repealed	273	113 6870e Amended	1
93 8 Repealed	273	122 10 Amended	41
93 9 Repealed	273	126 1 Amended	226
93 10 Repealed	273	140 All Repealed	399
93 11 Repealed	273	141 Ch. I Amended	439
93 12 Repealed	273	141 Ch. II Amended	440
93 13 Repealed	273	141 Ch. III Sec. 12 Amended	177
93 14 Repealed	273	141 Ch. III Amended	442
93 15 Repealed	273	141 Ch. IV Amended	447
93 16 Repealed	273	141 Ch. XII Added	451
93 17 Repealed	273	145 2 Amended	326
93 18 Repealed	273	145 11 Amended	331
93 19 Repealed	273	145 12 Amended	333